



COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

October 1, 2008

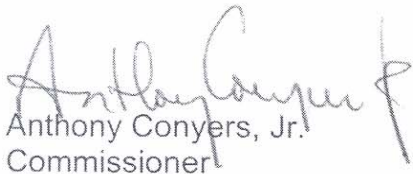
Temporary Assistance for Needy Families (TANF) Program

TANF TRANSMITTAL #39

This transmittal contains new and revised guidance for the Temporary Assistance for Needy Families (TANF) Program and the Virginia Initiative for Employment not Welfare (VIEW) Program as outlined in this letter.

The transmittal includes new information, revisions, corrections, and clarifications, including new and revised forms used for the TANF and VIEW programs. The provisions contained in this transmittal are effective for all eligibility determinations and VIEW assessments and reassessments completed on or after October 1, 2008.

The transmittal changes and guidance for maintenance of the manual follow. The manual and this transmittal are available on the Intranet at <http://spark.dss.virginia.gov/divisions/bp/tanf/manual.cgi> and on the Internet at <http://www.dss.virginia.gov/benefit/tanf/manual.cgi>.


Anthony Conyers, Jr.
Commissioner

Attachments

Remove and Destroy Page(s)	Insert Attached Page(s)	Significant Changes
Main Table of Contents, page 7	Main Table of Contents, page 7	Revised to reflect the correct numbering of items at 503.7 and 503.8.
Section 102.3 – 102.4, page 3	Section 102.3 – 102.4, page 3	A statement was added to clarify that VTP months do not count as months of disqualification for a period of ineligibility.
Section 102.4 – 102.5, pages 3a & 4	Section 102.4 – 102.5, pages 3a & 4	Run over pages
Section 103.1 – 103.3, page 1	Section 103.1 – 103.3, page 1	The wording was changed to clarify that the recipient's status as a fugitive felon or an individual in violation of probation or parole is not the only circumstance under which an agency can provide the address of a current or former TANF recipient upon request to a Federal, State, or local law enforcement officer.
Section 100.1 – 100.2, final page in Chapter 100	No Replacement Page	The Request for the Address of a TANF Recipient, the final page of chapter 100, was removed. This form is available in the Forms Drawer.
Section 201.1, page 1	Section 201.1, page 1	Policy references were added or revised at 201.1A and 201.1B.
Section 201.1, pages 3b-3d	Section 201.1, pages 3b-3d	A parent who is a court convicted offender serving a sentence while still living in the home has been removed from the list of individuals who do not meet TANF categorical requirements and are therefore not subject to the 60-month time limit. These individuals are now eligible for TANF and subject to the 60- month limit. Revised to clarify how the eligibility worker will count months

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		<p>of TANF assistance received in another state when the other state tracks days of assistance rather than months of TANF assistance.</p> <p>Additionally, a statement was added to clarify that months in which an individual receives Diversionary Assistance do not count toward the sixty-month limit on the receipt of TANF assistance.</p> <p>The examples which appeared after 201.1H have been moved to follow 201.1G. Examples 3 and 5 have been revised to remind workers that the approval of benefits for children in a period of ineligibility due to the receipt of sixty months of TANF assistance (now residing with another relative) will require the removal of the sanction screens in ADAPT. Example 6 was modified to include the word “totally.”</p> <p>A heading was added at 201.1H. Guidance concerning caretaker eligibility for TANF beyond the 60-month limit was revised to limit eligibility to total physical or medical disability. Total disability is defined as inability to work at least 10 hours a week as verified by a medical professional. In a two-parent household, both parents must be totally disabled in order for eligibility to exist beyond the 60-month limit.</p>
Section 201.1, page 3e	Section 201.1-201.2, page 3e	<p>A list of documents which may be used to verify age was added at 201.2.</p> <p>Information from Procedures, Section I, has been incorporated at</p>

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		201.2.
Section 201.3, page 4	Section 201.3, page 4	<p>Guidance was added at 201.3 clarifying that school attendance is verified at application. Procedures for verifying attendance during summer months is added. When verification has to be delayed until the start of the school year and an enrollment form is not furnished by the parent, the child is ineligible for assistance.</p> <p>The responsibility for the agency to arrange to receive notification when the child attends a private, denominational, or parochial school was added to the guidance.</p>
Section 201.4-201.5, page 1	Section 201.4-201.5, page 1 and 1a	Documents for verification of relationship to relative/caretaker added to guidance.
Section 201.5, page 2	Section 201.5, page 2	<p>Guidance at 201.5B, Living in a Home, was revised to remove “good cause” reasons for absences of more than 60 days.</p> <p>Primary and secondary sources for verifying living arrangements were added at 201.5B(5).</p>
Section 201.5B, pages 3 - 5	Section 201.5B, pages 3 - 5	Run over pages
Section 201.7, page 1	Section 201.7, page 1	Statements have been added to clarify that the child of a foreign diplomat or foreign head of state does not automatically become a United States citizen when he/she is born in the U.S or U.S. jurisdictions.
Section 201.10, page 3b	Section 201.10, page 3b	Guidance has been updated per the Deficit Reduction Act to reflect that the \$50 child support disregard has

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		<p>been increased to \$100.00. Clients will now receive up to \$100 when appropriate. A legal reference was added at the bottom of the page.</p> <p>Subsequent references to the change in the disregard amount are abbreviated.</p>
Section 201.12, pages 7 – 7a	Section 201.12, pages 7 – 7a	A new example and statements were added to the family cap provision clarify that an individual will not receive a new ten-month period when the individual reapplies for TANF in the month immediately following the month in which the TANF case was closed. A new ten-month period will start only when an applicant reapplies after the TANF case has been closed for at least one month.
Section 201, Appendix III, pages 1-2	Section 201, Appendix III, pages 1-2	Appendix III has been renamed and revised to define U.S. citizenship, and to list acceptable documentation for citizenship and identity.
Section 302.7, page 3a	Section 302.7, page 3a	At item 11, a parent who is a court convicted offender serving a sentence while still living in the home has been removed from the list of parents who cannot be included in the assistance unit. (See also 201.1, page 3a). The remaining items have been renumbered.
Section 304.3 – 304.4, page 2	Section 304.3 – 304.4, page 2	A statement has been added to require that the examination on which a Medical Evaluation is based must have been made within the 90 days preceding the date the form was signed.

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		The child support disregard has been changed from \$50 to \$100.
Section 304.4, page 3	Section 304.4, page 3	The child support disregard has been changed from \$50 to \$100.
Section 305.1, page 9	Section 305.1, page 9	The income chart was updated to address 130% of the 2008 Federal Poverty Level.
Section 305.4, page 24	Section 305.4, page 24	The child support disregard has been changed from \$50 to \$100.
		The legal citations at the bottom of the page have been updated.
Section 305.4, pages. 36-36a, 37	Section 305.4, pages. 36-36a, 37	The child support disregard has been changed from \$50 to \$100.
Section 305.4, pages 38-41	Section 305.4, pages 38-41	Updated the examples with the 150% of 2008 Federal Poverty Level.
Section 401.2, page 3	Section 401.2, page 3	The letter “D” has been added to identify the “Practices Specifically Prohibited” section. Existing “D” and “E” are changed to “E” and “F”.
Section 401.5, page 13	Section 401.5, page 13	The child support disregard has been changed from \$50 to \$100.
Section 502.4-502.5, page 4a	Section 502.4-502.5, page 4a	The child support disregard has been changed from \$50 to \$100.
Section 601.1, page 1a	Section 601.1, page 1a	The child support disregard has been changed from \$50 to \$100.
Section 602.1-602.3, page 1	Section 602.1-602.3, page 1	The child support disregard has been changed from \$50 to \$100.
		The examples have been changed to reflect the disregard change; a minor change has been made to the wording of the month 3 example.

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Section 602.3, pages 1a - 2	Section 602.3, pages 1a - 2	The child support disregard has been changed from \$50 to \$100
Section 602.5, page 4	Section 602.5, page 4	<p>The child support disregard has been changed from \$50 to \$100.</p> <p>The Deficit Reduction Act has been cited as the legal basis for the change and legal references at the bottom of the page have been updated.</p> <p>“GF”, granted FEP, has been added as an eligible case status.</p>
Section 602.5, page 6	Section 602.5, page 6	<p>The child support disregard has been changed from \$50 to \$100.</p> <p>“GF”, granted FEP, has been added as a case status.</p>
Section 801.1 – 801.5 , page 1	Section 801.1 – 801.5 , page 1	A statement was added at 801.5 A to clarify that the receipt of diversionary assistance will not count toward either the 24 or 60 month limit on the receipt of TANF. Months associated with diversionary assistance will not appear on either clock.
Section 801.7 – 801.8, page 4	Section 801.7 – 801.8, page 4	A statement was added to section 801.7 D to reiterate that an assistance unit that is in a period of ineligibility due to either the receipt of 24 or 60 months of TANF assistance will be ineligible for diversionary assistance.
Section 901.1-901.2, page 1	Section 901.1-901.2, page 1	The word “to” was removed at the end of the sentence that begins the second paragraph – “The program goals are to offer Virginians living in poverty the opportunity....”

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Section 901.2, page 2	Section 901.2, page 2	A statement has been added explaining that the duration of disability as indicated on the medical form is measured from the date the medical form is completed and signed by the medical professional.
Section 901.2, page 2a	Section 901.2, page 2a	The final paragraph in section G. has been removed. Based on changes to Minor Caretaker guidance dated 10/07, the minor caretaker will not be referred to VIEW.
Section 901.2, page 2b	Section 901.2, page 2b	A parent who is a court convicted offender serving his sentence while still living in the home has been removed from the list of individuals who are not required or eligible to participate in VIEW. If these individuals are allowed to leave the home to work or attend education/training activities, they should be referred to VIEW unless otherwise exempt.
Section 901.2, page 3	Section 901.2, page 3	A statement was added to explain that individuals who are under the age of 18 and in a TANF-UP household are exempt from VIEW participation should not be encouraged to volunteer to participate in VIEW. These individuals should be encouraged to remain in school to continue their educations. While the agency could receive work participation credit if the individual is attending high school or a general education program, the months in which the individual participates in VIEW would count toward the 24-month limit. Since the goal of the VIEW program is self-sufficiency, it is

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		preferable that the individual not reach the 24-month limit before being able to obtain and retain employment.
Section 901.3, page 3a	Section 901.3, page 3a	Spacing was corrected between sections A. and B. in 901.3.
Section 901.3-901.4, page 5	Section 901.3-901.4, page 5	Guidance has been added listing means by which the EW can be notified to close the VTP case because the client is no longer eligible.
Section 901.6, pages 7-7a	Section 901.6, pages 7-7a	Guidance is provided regarding reapplication of needy senior parent/minor caretaker households closed in a sanction. A statement has been added to clarify that an applicant whose VIEW case closes in a sanction must pass the 185% and Standard of Assistance screenings at reapplication prior to approval. A statement is added at 901.6J clarifying that a client who is employed and in a VIEW sanction is entitled to the VIEW disregards.
Section 901.6, page 8	Section 901.6, page 8	Run over page
Section 901.11, page 10	Section 901.11, page 10	In the first item listed under "EXCEPTIONS," the words "of that parent" were removed. Children in a VIEW household may be eligible beyond the 24 month period of eligibility when the caretaker dies. The caretaker does not have to be the children's parent. A statement has been added to clarify that in order to be eligible for assistance after 60 months on

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		TANF, the caretaker must be totally disabled. Total disability is defined as being unable to work at least 10 hours per week as substantiated by a medical statement.
Section 901.14, page 14	Section 901.14, page 14	The child support disregard has been changed from \$50 to \$100.
Section 900, Appendix 2, pages 1-5	Section 900, Appendix 2, pages 1-5	The examples in Appendix 2 have been updated using current poverty guideline figures located in Appendix 3.
Section 900, Appendix 3, page 1	Section 900, Appendix 3, page 1	The poverty guidelines have been updated based on the 2008 Federal Poverty Level.
Section 1000.2, page 11	Section 1000.2, page 11	Cases in which the only adult receives SSDI can now be removed from the denominator when the work participation rate is calculated.
Section 1000.2, pages 13 - 14a	Section 1000.2, pages 13 - 14a	<p>The partial sentence at the top of page 14 has been moved to the end of the final paragraph on page 13.</p> <p>Based on the Deficit Reduction Act final regulations, excused absences for participants in unpaid activities must be measured in hours rather than days effective 10/1/08. For the 10/1/08 – 9/30/09 period, up to 80 hours of excused absences can count as participation but no more than 16 of the 80 hours can be counted in one month. The examples have been revised to reflect the changes.</p> <p>Actual hours of job search can include travel time between interviews, but do not include travel time to the first interview or from</p>

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		the last interview.
Section 1000.2, page 14b	Section 1000.2, page 14b	Run over page.
Section 1000.8, page 24	Section 1000.8, page 24	An explanation of verified barriers and the requirement that barrier codes be entered into ESPAS has been added to the section describing “other issues” that must be evaluated as part of the VIEW assessment.
Section 1000.8, page 25	Section 1000.8, page 25	Run over page.
Section 1000.9, pages 26 - 26a	Section 1000.9, pages 26 - 26a	Guidance regarding when a new Agreement of Personal Responsibility (APR) must be signed was expanded to include new applications following a sanction. Example 5 was added to illustrate the situation.
Section 1000.13, page 34	Section 1000.13, page 34	Limitations on Job Search have been changed from weeks to hours based on Deficit Reduction Act final regulations. Job Search assignments still cannot exceed 4 consecutive weeks, but a total of 180 hours can be counted. The 12 month period based on the federal fiscal year has been changed to the 10/1/08 to 9/30/09 period.
Section 1000.13, pages 35 and 36	Section 1000.13, pages 35 and 36	Run over pages.
Section 1000.13, page 36a	Section 1000.13, page 36a	A statement was added to explain that travel time between interviews can be counted in determining job search hours.
Section 1000.13, p. 38	Section 1000.13, pages 38 and 38a	Limitations on Job Readiness have been changed from weeks to hours based on Deficit Reduction Act final regulations. Job Readiness

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		assignments can still not exceed 4 consecutive weeks, but a total of 180 hours can be counted. The 12 month period based on the federal fiscal year has been changed to the 10/1/08 to 9/30/09 period.
Section 1000.13, page 40	Section 1000.13, page 40	Instructions were added to clarify that when the calculation of self-employment hours does not result in a whole number, the result is rounded down to the next whole number. The sequence of steps used in calculating self-employment hours was changed to match the sequence used in calculating CWEP hours.
Section 1000.13, page 52	Section 1000.13, page 52	Instructions were added to clarify that when the calculation of CWEP hours does not result in a whole number, the result is rounded down to the next whole number.
Section 1000.13, pages 57-58	Section 1000.13, pages 57-58	Baccalaureate level study has been added to Vocational Education and Training as an allowable activity. Examples that illustrate baccalaureate level study have been added. Unsupervised study of up to one hour for each hour of scheduled class time is added as allowable participation for Vocational Education and Training. Distance learning for which attendance and participation can be verified has been added as an allowable type of study.
Section 1000.14, page 59	Section 1000.14, page 59	Unsupervised study of up to one hour for each hour of scheduled class time is added as allowable participation for Job Skills Training. Distance learning for which attendance and participation

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		can be verified has been added as an allowable type of study.
Section 1000.14, pages 60 – 62	Section 1000.14, pages 60 – 62	Run over pages.
Section 1000.21, pages 79 - 80	Section 1000.21, pages 79 - 80	Guidance concerning compliance with VIEW requirements following a sanction has been reordered and expanded to describe specific procedures to be followed. A statement has been added clarifying that information from the Activity and Service Plan does not have to be entered into ESPAS when the plan was developed to help a sanctioned client comply with program requirements.
Section 1000.22, pages 81- 82	Section 1000.22, pages 81- 82	A statement has been added clarifying that a client in a VIEW sanction, or referred for a VIEW sanction is eligible for transitional services excluding TET and VTP. In order to be eligible for transitional transportation, the client must have or find employment of at least 10 hours a week and paying at least minimum wage within 3 months of TANF case closure.
Section 1000.24, page 89	Section 1000.24, page 89	Guidance has been updated to require supervisory approval of a hardship exception request. The request no longer needs to be sent to the Regional Specialist for approval.
Section 1000, Appendix A, page 2	Section 1000, Appendix A, page 2	Appendix A, VIEW forms, has been updated to reflect the new name for The Unpaid Activity – Holidays and Excused Absences form. The form has been renamed the Holidays and Excused

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		Absences for Participants in Unpaid Activities form.
Section 1000, Appendix A, pages 6 - 8	Section 1000, Appendix A, pages 6 - 8	<p>The VIEW APR has been revised to ensure that the participant is aware that the TANF case may close before the scheduled end date listed on the form when either the 60-month limit is reached by the participant or another household member or when the 24-month limit is reached by another household member. This change will address situations with TANF-UP households when both parents are participating as well as situations when the 60-month time limit is reached during the final period of VIEW participation.</p> <p>Information about Fair Hearings has been moved to the first page.</p>
Section 1000, Appendix A, pages 16, 18	Section 1000, Appendix A, pages 16, 18	The VIEW Job Search Form has been modified to explain that travel time between interviews can be counted for job search.
Section 1000, Appendix A, pages 44-46	Section 1000, Appendix A, pages 44-46	<p>The Hardship Exception Determination Form has been modified to require supervisory approval. The request no longer needs to be sent to the Regional Specialist for approval.</p> <p>The Standard Deduction amount has been updated.</p>
Section 1000, Appendix A, pages 53-55	Section 1000, Appendix A, pages 53-55	<p>The Medical Evaluation Form has been revised to clarify that the medical examination must have been conducted within 90 days of the evaluation.</p> <p>Instructions have been added</p>

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		regarding contact with agency child welfare staff if, in the case of a single parent household, the medical professional states that the client's medical condition affects his/her ability to care for the child.
Section 1000, Appendix A, Page 60-61	Section 1000, Appendix A, Page 60-61	The gross income limits have been updated based on the 2008 Federal Poverty Level.
Section 1000, Appendix A, pages 68-69	Section 1000, Appendix A, pages 68-69	The Unpaid Activity-Holidays and Excused Absences Form has been renamed and revised so excused absences can be tracked by hours rather than days.
Section 1000, Appendix A, pages 70-71	Section 1000, Appendix A, pages 70-71	The VIEW Education and Training Activities Attendance Sheet was revised so that unsupervised homework/study hours can be recorded by the ESW when the instructor has affirmed that homework and study time is necessary to succeed in the course. Instructions for completing the form were revised and expanded.
Procedures, Section VII, page 9	Procedures, Section VII, page 9	The child support disregard has been changed from \$50 to \$100 in 3b.
Index	Index	The Index has been revised to match current policy.
Forms Drawer	Forms Drawer	Instructions for Request for the Address of a TANF Recipient (032-03-0560) have been updated to correspond with revised policy.

MAIN TABLE OF CONTENTS

Overpayments Resulting from Incorrect Composition Of the Assistance Unit	503.7 G.
Support Collected	503.7 H.
Overpayment Resulting from Redirected Support Paid to the Client	503.7 I.
Localities Meeting 100% of Need	503.7 J.
Calculating a VIEW Overpayment	503.7.K.
Notification, Recoupment and Recovery of Overpayments	503.8
Notification	503.8 A
Recoupment	503.8 B.
Recovery	503.8 C.
Responsibility for Overpayments	503.8 D.
Prompt Correction of Overpayments	503.8 E.
Determining Intentional Program Violation (IPV)	503.8 F.
Reporting Overpayments	503.8 G.
Retention of Overpayment Records	503.8 H.
Correction of Prior Underpayments	503.9
Offsetting Overpayments and Underpayments	503.10
Appendix I - Check Handling Information and Procedures	
Appendix II - Direct Deposit Information and Procedures	
Appendix III - Debit Card Information and Procedures	
 Chapter 600 - Support from Legally Responsible Persons	
Support Enforcement Program	601.1
Legal Base	601.1 A.
DCSE Responsibilities	601.1 B.
Local Agency Responsibilities	601.1 C.
Referral of Case Information to Division of Child Support Enforcement	601.2
Referral of TANF Case	601.2 A.
TANF-UP Cases	601.2 B.
Changes to TANF and TANF-UP Cases	601.2 C.
Contact with the Absent Parent	601.2 D.
Automated Communication with DCSE	601.2 E.
Legally Responsible Persons	601.3
Husband	601.3 A.
Wife	601.3 B.
Parent, Natural or Adoptive	601.3 C.
Stepparent	601.3 D.
Out-of-Wedlock Father	601.3 E.
Redirection of Support Monies from Non-Custodial Parent	602.1
Treatment of Support	602.2
Support from Non-Custodial Parents Absent from the Home	602.3
Support from Responsible Persons in the Home	602.4
Minor Caretaker/Remarried Caretaker	602.4 A.
Stepparent	602.4 B.
Handling of Support Payments Collected by the State	602.5
Notification Report	602.5 A.
Handling of Support on Suspended TANF Cases	602.5 B.
Appendix I - Information to be Given to Applicant/Recipient	
Appendix III - Child Support Enforcement District Offices and the Localities Within Districts	
www.dss.virginia.gov/family/dcseoffices.cgi , or	
http://localagency.dss.virginia.gov/divisions/dcse/contacts.cgi	

- A. Only the individual found guilty of committing an IPV shall be disqualified. The local agency shall not take the individual's needs into account when determining the assistance unit's need and the amount of assistance. However, if the individual is a parent, any income of the disqualified parent must be considered available to the assistance unit. (See [Section 305.4](#)) NOTE: When an IPV occurs and the Waiver of Administration Disqualification Hearing (032-03-722) is signed while the application is pending, the disqualified individual's needs are excluded when determining a diversionary assistance payment.
- B. The period of disqualification must begin no later than the second month following the month of the court's decision of guilty, the date the waiver notice is received by the local agency, or the date the Administrative Disqualification Hearings Decision Notice is issued by the hearing officer. If the individual is not eligible for TANF at the time the disqualification is to begin, the period must be postponed until the individual applies for and is determined eligible for benefits. The disqualification period must run uninterrupted until it expires. **VTP months will not count as months of disqualification.**

The disqualification penalty must be in addition to, and cannot be substituted for, any other sanctions or penalties which may be imposed by the court for the same offense. The disqualification penalty cannot substitute for other sanctions under the TANF program.

Any period for which a disqualification is imposed will remain in effect, without possibility of an administrative stay, unless and until the finding upon which the penalty was based is subsequently reversed by a court of appropriate jurisdiction. If the disqualification period was imposed by an ADH and it is determined that the individual had a disability that prevented the filing of accurate and timely information or affected his or her capacity to have the intent to defraud or otherwise provide improper information to the state, or has limited English proficiency that prevented providing accurate and timely information, then the local agency will delete the IPV and reinstate benefits prospectively. In no event shall the duration of the period for which such penalty is imposed be subject to review in a fair hearing.

- C. An individual convicted in state or federal court of fraudulently misrepresenting his address to receive benefits in two or more states is ineligible to receive TANF for 10 years. Benefits refer to TANF, Medicaid, and Food Stamps. The 10 year period begins on the date the individual is convicted.*

102.4 ADMINISTRATIVE DISQUALIFICATION HEARINGS (ADH) - An administrative disqualification hearing is an impartial review by a hearing officer of an individual's actions involving an alleged IPV for the purpose of rendering a decision of guilty or not guilty of committing an IPV.**

In order to request an ADH, the local agency shall ensure that a pre-hearing investigation has occurred and that the evidence supports the charge of

* Code of Virginia 63.2-522

** 45 CFR 235.113

intentional program violation. There must be clear and convincing evidence which demonstrates the individual committed or intended to commit a TANF, or VIEW IPV. Examples of evidence include but are not limited to:

- A. Written verification of unreported income received by the individual; or
- B. Verification that the individual understood the reporting responsibility by his signature on the application/redetermination form or another form for this purpose.
- C. An application/redetermination form or change form submitted during the period the IPV is alleged to have occurred which omits the information in question; or
- D. Documented contacts with the individual during the period the IPV is alleged to have occurred in which the individual failed to report the information in question.
- E. Verification that information on a voucher or check for gas or check to a vendor was altered. Example: changing money amounts, purpose, date or signature; or
- F. Verification that the client received other services provided by the agency and sold them to another individual; or
- G. Verification that items were obtained under false pretenses. Example: obtaining supportive services to purchase a vehicle in order to participate in VIEW and then giving the vehicle to another person.

If a case is referred for an ADH, it shall not be simultaneously referred for prosecution. Cases dismissed in court or individuals acquitted by the court cannot be referred for an ADH.

102.5 NOTIFICATION OF IPV - Prior to requesting an ADH by the State Hearing authority, the local agency shall provide the form, Notice of Intentional Program Violation, to the individual alleged to have committed the program violation advising the individual of the alleged IPV. In addition, the individual must be informed he can waive his right to an administrative disqualification hearing by signing the Waiver of Administrative Disqualification Hearing form and returning this form to the local agency within 10 days.

The notice must advise the person that reasonable accommodations are available in order to participate in the hearing. It must also inform the person that if the person has a disability or limited English proficiency that could have impaired the person's ability to provide accurate and timely information, the person should provide this information to the eligibility worker and the hearing officer, as this information could have an impact on the decision about whether there is an IPV.

If there is an indication of a disability or that the person has limited English proficiency that prevented providing accurate and timely information or the capacity to have the intent to defraud or otherwise provide improper information, but the staff has determined to proceed with the IPV because there

is compelling evidence of intent to violate the requirements, then it will not be appropriate to accept a waiver of hearing from the individual and the request for a hearing must be forwarded to the State Hearing authority.

If a signed waiver is received, an ADH is not scheduled and the disqualification period is imposed in accordance with policy at Section 102.3. A copy of the signed waiver is to be sent, for federal reporting purposes, to:

Fraud Management
Virginia Department of Social Services
7 North Eighth Street
Richmond, VA 23219-3301

102.6 REFERRAL FOR AN ADH - If a signed waiver is not received within 10 days, the local agency shall request an ADH be scheduled by submitting the form, Referral for Administrative Disqualification Hearing, to the State Hearing Manager. The form must include the following information:

- A. Identifying information
- B. Summary of the allegation(s)
- C. Summary of the evidence
- D. Copies of documents supporting the allegation(s)

The referral is to be signed and dated by the supervisor or local agency director.

A fair hearing and an ADH may be combined into a single hearing if the factual issues arise out of the same or related circumstances provided that the individual receives prior notice of the consolidation.

If the ADH and fair hearing are combined, the agency must follow ADH time frames for conducting an ADH. If the hearings are combined for the purpose of settling the amount of the claim at the same time as determining whether or not the IPV has occurred, the household will lose its right to a subsequent fair hearing on the amount of the claim. However, the local agency must, at the household's request, allow the household to waive the 30 day advance notice period for the scheduling of the ADH when the hearings are combined.

102.7 SCHEDULING THE ADH - Upon receipt of the request for an ADH, the State Hearing authority will forward the request to the appropriate Regional Hearing Officer.

102.8 ADVANCE NOTICE OF ADH - The hearing officer will schedule a date for the ADH and provide written notice to the individual suspected of committing an IPV at least 30 days in advance of the date the ADH has been scheduled. The form, Advance Notification of Administrative Disqualification Hearing, is used for this purpose.

The advance notice of ADH may be sent by first class mail, certified mail - return receipt requested, or by any other reliable method. If the notice is sent by first class mail and it is subsequently returned as undeliverable, the hearing may still be held.

SAFEGUARDING OF INFORMATION10/08103.1 - 103.3

103.1 - PURPOSE OF SAFEGUARDING OF INFORMATION AND SCOPE OF REGULATIONS - Mutual trust and confidence between client and worker are basic to an effective program of assistance and services. The client has a responsibility to provide the information which the agency needs to determine eligibility for assistance or to provide services. At the same time, the client has a right to expect that information given to the agency will be kept confidential and made use of only as needed in the administration of the public welfare program.

The regulations governing the confidential treatment of case information for the TANF program administered at the local agency level can be found in the Department of Social Services Administration Manual, Volume I, Chapter A. Disclosure of information and retention requirements regarding all match reports received through the Income Eligibility Verification System (IEVS), including Internal Revenue Service (IRS) data, can be found in the IEVS User Guide, at <http://spark.dss.virginia.gov/divisions/bp/files/tanf/training/ievs/ievsmanual.pdf>

103.2 - EXCHANGE OF INFORMATION WITH LAW ENFORCEMENT AGENCIES -

- A. The agency must provide **the address of a current or former recipient when requested to do so by a Federal, State, or local law enforcement officer who furnishes the name of the recipient *:**
1. **who is fleeing to avoid prosecution, or custody, or confinement for a felony, or who is in violation of a condition of Federal, State or local probation or parole; or**
 2. **who has information that is necessary for the officer in the conduct of official duties; and**
 3. **when the location or apprehension of the recipient is within the officer's official duties.**
- B. The record must be documented carefully regarding the release of the address. Documentation must include:
1. The name, badge number and law enforcement affiliation of the officer; and
 2. a written request for the address. The form "Request for the Address of a TANF Recipient" (032-03-560) located in the forms drawer may be used for this purpose.

103.3 - RELEASE OF INFORMATION REGARDING PAST RECEIPT OF BENEFITS BY ALIENS* - Section 212(a)(4) of the Immigration and Nationality Act allows the denial of entry into the U.S. of any alien determined likely to become a public charge. If the U.S. Citizenship and Immigration Services (USCIS), the Department of State, or an immigration judge requests information regarding past receipt of AFDC or TANF benefits for the purpose of evaluating public charge risk, the local agency must deny the request unless they have the written consent of the alien.

* Public Law 104-193

201.1 ELIGIBILITY FACTORS

A. A child will be categorically eligible for TANF if he meets the following requirements:

1. Is under the age of 18 years* or if 18 but not yet 19 is enrolled and attending a secondary school or vocational/technical school of secondary equivalency, and is expected to complete the high school or vocational/technical program prior to or in the month he attains age 19. (201.2)
2. Is living in the home of a parent or a relative (201.5) or is in foster care under certain conditions.
3. Is a resident of Virginia.* (201.6)
4. Is a citizen of the United States or an eligible alien.** (201.7)
5. The family is in need of financial assistance.* (302.3)

Exception: A child who meets all of the above requirements may be ineligible for assistance due to the family cap provision. (201.12).

B. To be eligible, a child who meets the requirements above, a parent, or a caretaker-relative other than the parent must meet the following conditions:

1. Provide a social security number or proof of application for an SSN. (201.1, 201.8)
2. Participate, as required, in the Virginia Initiative for Employment Not Welfare Program unless otherwise exempt.*** (901.2)
3. Provide, or have provided on his behalf, a written declaration of citizenship or alien status.**** The declaration requirement is met for all members of the assistance unit when the applicant/recipient age 18 or older completes and signs the "Application for Benefits" or the "Eligibility Review, Part A" form, as applicable, or signs the ADAPT Statement of Facts. (201.7)

* Code of Virginia, Section 63.2-602

** Public Law 104-193

*** Code of Virginia, Section 63.2-608

**** Social Security Act, Section 1137(d) (1) (A)

- 3) a minor caretaker who is included in the senior parent's assistance unit as a participating child (coded as a "PC" on AECOMP)
- 4) a non-parent caretaker who has been removed from the TANF grant due to VIEW non-compliance.

A month in which an individual received TANF benefits in another state counts toward the 60-month limit. If an applicant states on the application for TANF benefits that he received assistance in another state, the eligibility worker must verify any TANF months to be counted by contacting the appropriate state and recording those months in the ADAPT system. Note: The effective date for TANF implementation will vary from state to state. When contacting other states to verify the number of months already accrued, the worker should request the number of months counted by that state toward the 60-month limit. **If the other state tracks days of receipt instead of months, the EW will need to verify the exact dates of receipt of TANF. The EW will then count any month in which the individual received TANF as a month toward the 60-month limit.** If contacted by another state, the worker should provide the number of months countable under Virginia's TANF program since February 1, 1997. Prior to February, 2008 these would have been months that were on the VIEW 24-month clock. The following website identifies each state's contact person:
<http://dpaweb.hss.state.ak.us/training/map/mapHTML.htm>.

Note: When the client has received 58 months of TANF, a 60-month letter will be sent to the agency printer dedicated to print system generated notices. The letter will notify the client that her lifetime limit for receipt of TANF is coming to an end. The EW will mail the original letter to the client and file a copy of the letter in the TANF case record.

The following months of receipt of TANF in Virginia do not count toward the 60-month limit:

- 1) Months of receipt of Aid to Families with Dependent Children (AFDC). Thus, months of financial assistance received in Virginia prior to February 1, 1997 do not count;
- 2) Any months that an individual receives assistance as a minor child (not a caretaker);
- 3) Months during which the adult lived on an Indian reservation during the month;
 - (a) at least 1,000 individuals were living on the reservation; and
 - (b) at least 50 per cent of the adults living on the reservation were unemployed;
- 4) Months in which the case was a "control" case. (Petersburg, Portsmouth, Prince William, Wise, and Lynchburg were research sites for the VIP evaluation. Cases in these localities were assigned a research or control status.)
- 5) Months that the TANF case is suspended and no payment is issued.
- 6) **Months in which the individual received Diversionary Assistance.**

Example 1: Client moved to Virginia 7/10/00 and subsequently applied for TANF. She indicated receipt of TANF in North Carolina approximately six months prior to this application. EW contacts the local agency in North Carolina and verifies that client received TANF there from February 1999 through January 2000. The EW will add February 1999 through January 2000 to the 60-month clock because these months are on the client's federal 60-month clock in that state.

Example 2: Client is participating in VIEW and her clock has run from April 2007 through July 2008. On July 8, 2008 the VIEW worker placed the client in an Inactive status. The ESW places the client back in an active status on August 22, 2008. July will count as a month on her 24-month and 60-month clocks. August will not count on the 24-month clock because of the inactive status on the first of the month. August will count on the 60-month clock because the client received a TANF payment for the month. The 24-month clock count will resume with the month of September.

Example 3: Client and her three children received 60 months of TANF, with the March 1, 2003 payment. The TANF case was closed effective March 31, 2003. On April 12, 2003 the client was incarcerated and her three children moved in the grandmother's household. The grandmother applied for TANF for the three children on May 1, 2003. The TANF application was approved on May 29, 2003. **Note: the AESANC screen with the 60-month POI information will have to be deleted for each child. The screen should be copied before it is deleted so that it can be re-entered if the grandmother's case closes.** The children are eligible because they now live with an adult who is not included in the grant and does not have a 60-month clock. In March, 2008, the grandmother becomes financially needy and requests to be added to the AU. When she is added to the AU, she will become subject to a 60-month clock.

Example 4: Client and her two children have 60 months on her 60-month clock as the result of federal clock months from another state and/or months in Virginia. As long as the children remain in the home with this client, this family of three have reached their lifetime limit of TANF and will not be eligible again unless the client becomes **totally** disabled or becomes needed on a substantially continuous basis to care for a disabled family member who is living in the household.

Example 5: The children in example #4 leave the client's home and go to live with their father. The father has been a TANF recipient but has less than 60-months on his clock. The father and children can receive TANF until he has reached his 60-month time limit.

Note: the EW will have to delete the AESANC screen with the 60-month POI information for each child. The EW should copy the screen prior to deleting it as the screen should be re-entered if the father's case closes.

Example 6: Client receives TANF for herself and three children. The client has cycled in and out of TANF/VIEW and reaches her 24-month and 60-month limits. If the children go to live with their father or any relative, no one can receive TANF for the children during the two year period of ineligibility due to the VIEW limit. **Note: The client may become eligible to receive TANF assistance again during the two year period of ineligibility due to the VIEW limit if she becomes **totally** disabled or becomes needed on a substantially continuous basis to care for a disabled family member who is living in the household.**

Example 7: Mr. and Mrs. X are in the same AU and each has 30 months on the 60-month clock. Mr. X moves out and does not receive TANF while he is gone. When Mr. X moves back in with Mrs. X, she has 50 months on her clock. Ten months later, the TANF case is closed because Mrs. X reaches the 60-month lifetime limit on her clock. Mr. X has 40 months on his 60-month clock at the time of the TANF case closure.

Subsequently Mr. X moves out, taking one of the children with him. He applies for TANF for himself and the child. The TANF application will be approved if all other TANF eligibility criteria is met. Mr. X may remain eligible until he has accumulated 60 months on his 60-month clock.

- H. **Eligibility beyond the 60-month limit** - An assistance unit may be eligible to receive additional months of TANF assistance beyond the 60-month time limit when either
- 1) the caretaker (**both caretakers in a two-parent TANF household**) is **totally physically or mentally disabled (according to a Medical Evaluation 032-03-0654-03-eng completed by a medical professional which shows that the client is unable to work 10 hours or more per week)** and is not able to be self supporting due to the disability; or
 - 2) the caretaker is needed on a substantially continuous basis to care for a family member who is living in the household. (The family member does not have to be included on the TANF grant.) The family member must have a verified physical or mental disability and must have caretaking needs that prevent the caregiver from being self supporting. These "caretaking needs" include the need for attendance, supervision, and home care, and other needs related to the family member's disability. A medical professional must complete a Statement of Required Presence of Caregiver form (032-03-0020-00-eng) to verify the family member's condition, and the need for the caregiver to be available on a substantially continuous basis. If the disabled family member is out of the home for substantial portions of the day, then the TANF benefits will not be extended beyond the 60th month.

The **total** disability of the caretaker or the need for the caretaker to act as a caregiver for a disabled family member living in the household must be re-evaluated based on new verification at the end of the anticipated duration as noted on the medical form or every 90 days - whichever occurs first. If the duration noted on the form is permanent, a new form must be obtained and the incapacity evaluated every 90 days. If the medical form does not specify the duration of the medical condition, or if the form is otherwise incomplete, the eligibility worker must contact the medical professional to obtain the missing information before acting on the medical. The TANF case is to be closed as soon as administratively possible upon verifying that the caretaker is no longer **totally** disabled or is no longer needed to care for a disabled family member living in the household.

When the disabled caretaker is eligible to receive Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), additional verification of the disability will not be required. When the disabled family member who requires a caregiver is eligible to receive SSI or SSDI, additional verification of the need for a caregiver for the disabled family member will be required annually. In addition, when the medical professional has indicated a specific duration that the caregiver will be needed, the eligibility worker will request verification of the need for the caregiver at the end of the anticipated duration as noted on the Statement of Required Presence of Caregiver form. If the individual subsequently becomes ineligible to receive SSI or SSDI and is no longer disabled, the TANF case is to be closed as soon as administratively possible.

201.2 AGE - The month, day, and year of the child's birth must be established and evidence thereof entered in the eligibility case record, except that, pending the securing of such evidence, assistance must not be denied an otherwise eligible child who is obviously under 12.

The following documents may be used to verify age:

- Birth certificate
- Notification of birth
- Hospital record
- Physician or midwife record
- Baptismal record
- School record
- Birth form VS95 from the State Bureau of Vital Records and Health Statistics

If the child is obviously under 12, the child may be included in the assistance unit pending age verification.

If the day and month cannot be established, July 1 is assumed to be the birthdate.

Continuing Eligibility*- The child is eligible until he reaches the age of 18. He is eligible for the month in which his 18th birthday falls if he has not attained the specified age on the first day of that month.

An 18 year old child may be eligible if enrolled in a secondary school or vocational/technical school of secondary equivalency if he is expected to complete the high school or vocational/technical program prior to or in the same month as his 19th birthday. **Verify with the school that the child is enrolled and expected to complete the program no later than the month of his 19th birthday.** The program is considered completed on the last day of final exams or, if exams are not required, the last day of scheduled classes. The child will be eligible for the month in which completion of the school program occurs; however, eligibility cannot be extended past that month. The case record must be well documented in this area.

A child 18 years old is not eligible if he is in college, enrolled in school part-time, or not in school at all.

201.3 SCHOOL ATTENDANCE* - To be eligible for assistance, children in the assistance unit under age 18, including minor parents, must comply with the compulsory school attendance requirement. School attendance must be verified by the client at application.

For applications made during the summer months, verify that the child was in attendance at the end of the school year. If attendance cannot be verified, or if the child has moved to a new school system after the end of the school year, approve the case if otherwise eligible. Set an alert in ADAPT for the month school is scheduled to begin and verify attendance at that time. Allow the client 10 days from the beginning of the school year to provide verification of enrollment or attendance. If the client does not furnish the school enrollment form within the time frame, the child is ineligible for assistance.

A child who is 18 years old meets the school attendance requirement, regardless of actual attendance, as long as he is enrolled and expected to complete high school or an equivalent program as stated in Section 201.2 above.

- A. Definition of Truancy - Truancy is defined as noncompliance with State compulsory school attendance requirements as determined by the local school division.**

Local school boards may set additional rules deemed necessary to carry out the intent of the compulsory attendance laws. Such rules may also be applied by the local school division in identifying children who are truant.

- B. Notification of Truancy - When the local school division determines that a child receiving TANF is truant, it will notify the local department of social services. **When a child attends a private, denomination, or parochial school, the local agency must arrange with the school to receive notification when the child is truant.**

School divisions will identify truant TANF recipients using one of the following methods:

1. State Department of Social Services provides all local school divisions with a list of all individuals ages five through 17. This information is e-mailed to a designated contact person in each school division monthly.
2. The local department of social services and local school division may develop an alternate method (local option) for identifying TANF children who are truant, provided the method is mutually acceptable.

Note: If the agency receives notification from a source other than the school, such as the applicant/recipient, the agency must verify truancy through the school.

* Code of Virginia, Section 63.2-606

** Code of Virginia, Sections 22.1-254 et seq.

201.4 DEPRIVATION OF PARENTAL SUPPORT OR CARE - Repealed effective July 1, 1999.

201.5 LIVING ARRANGEMENTS - The child must be living with a parent or other relative (Subsection A., below) in a residence maintained as a home (Subsection B., below) by one or more such relatives. For TANF-UP, both natural or adoptive parents of at least one child must be living in the home. (Refer to [701.2.](#))

Exception: Under certain prescribed conditions, an otherwise eligible child may receive TANF while in foster care, as provided in the Title IV-E Eligibility Manual and Subsection B., below, such as during a trial visit.

- A. Relatives - The relative with whom the child is living, who is designated as the caretaker, must be a relative by blood, marriage, or adoption. Relationships by marriage exist even after the marriage has been terminated by death or divorce.

Neither severance of parental rights nor adoption is considered to terminate the relationship to biological relatives. Therefore, biological relatives may receive assistance for someone who has been adopted, when there is no other relative by adoption in the home to receive assistance on the individual's behalf. However, this provision does not require individuals who have been adopted to be included in the assistance unit of the biological relative and his/her children.

Example 1: Jane Doe had two children who were adopted by Jane's parents. Jane's parents died leaving their adopted children in the care of Jane. Jane is considered a biological relative for TANF purposes and can receive assistance for the two children, however, they are not to be included in the same assistance unit as any other children Jane may have since she has no legal responsibility for these children.

Example 2: Mary Smith's child, Michael, was adopted by a family friend. When Michael's adoptive parent died, there was no other relative to care for him. Michael went to live with Mary. Since Mary and Michael are biologically related, she can receive assistance for him. However, Michael is not to be included in the same assistance unit as any other children Mary may have.

Documentation that is adequate to trace the relationship of each child to the parent or caretaker relative must be provided. Documentation must be secured for each relationship that links the child to the caretaker. The case record must document the verification methods used to establish the relationship between the child and the caretaker.

The following documents may be used to establish relationship:

- Birth certificate
- Hospital certificate
- Adoption papers or court record of adoption
- Baptismal certificate
- Hospital or physician's record
- Church record
- Bureau of Vital Records/Health Statistics record
- Marriage record
- Court support and/or divorce orders which clearly identify the relationship of the caretaker/relative to the children
- Court document identifying an individual as a relative of the child

Documents must be adequate to trace relationship completely, except that, if the applicant is the mother, initial eligibility can be established based on birth verification for the child.

In the case of a caretaker relative (though not a father not married to the child's mother, or a relative of such a father), a notarized statement by an individual, other than the applicant/recipient, who has sufficient knowledge to attest to the relationship, is acceptable.

If the applicant is a father not married to the child's mother, or relative of such father, evidence of paternity must be provided. The following documents may be used as evidence of paternity:

- Court record establishing paternity
- Court order stating that child is living with paternal or maternal relative
- Written notarized statement of paternity
- Birth certificate from any state where father's name is included

If the caretaker is a relative of the father who is not married to the child's mother, the relationship between the relative and the father must be established once evidence of paternity has been provided.

B. Living in a Home* - A home is the family setting maintained or in the process of being established by the relative, as evidenced by the presence of the child. A home exists even though the child or relative is temporarily absent from the customary family setting. The child or relative may be absent for reasons such as hospitalization, education or training, a vacation, or a visit for up to 60 consecutive days. A parent who is absent from the home due to active duty in the uniformed services is considered living in the home and is not subject to the 60 consecutive day time limit. Additionally, a home may exist in situations where the assistance unit lacks a fixed home address or is otherwise considered homeless. A relative or child is not considered to be in the home when admitted or committed to a mental institution or a correctional facility for more than 30 consecutive days.

1. A parent or other caretaker who has been absent from the home for a period of 60 consecutive days is ineligible for TANF.
2. A child who has been, or is expected by the caretaker to be, absent from the home for a period of 60 consecutive days is ineligible for TANF.

Note: The child can be eligible in another assistance unit.

3. The caretaker must report to the local agency after it becomes clear to the caretaker that the minor child will be absent from the home for 60 consecutive days. (Refer to Section [401.2.B.2.a.1](#))
4. If the caretaker fails to report the change within the required time frame as described above, the caretaker is ineligible. The caretaker will remain ineligible until the child returns to the home or there is a break in assistance.
5. **The primary source for verification of living arrangements for children who attend school, including nursery schools, pre-schools, or child care centers, is the school record which shows address and relative's name. Hospital or physician's record, court or public agency record, military record, contact with public housing, or landlord are secondary sources for children attending school. For pre-school age children (those children who are not in nursery school, pre-school, child care, etc.), the client's declaration that the children are living with her will be accepted, unless the worker has reason to question the accuracy of the client's statement. The case record must be documented to reflect the verification/declaration obtained.**

If verification cannot be obtained from one of the sources listed above, the case record must be documented to reflect all the attempts that were made to secure verifications from primary or secondary sources. The case record must also contain documentation of all evidence obtained by the worker that substantiates the child's presence in the home.

When verifications conflict with the statement of the applicant/recipient, the verifications must be presented to the individual. If the applicant/recipient still maintains that the child is living in the home, the agency must accept other evidence provided by the individual which establishes this fact.

- C. Living with a Relative for a Part of Each Month - Examples of this include joint custody situations in which the child is with the TANF applicant/recipient one night a week, weekends only, every other week, informal arrangements made by the child's parents, or a vacation or visit to the applicant/recipient's home. The "living with" evaluation requires an evaluation of both presence in the home and responsibility for care and control of the child while in the home.

The "living with" determination is made by the local department of social services (LDSS) on a case-by-case basis using information obtained from individuals outside the home:

- about the child's entry into the client's home;
- extent of responsibilities the applicant/recipient will exercise while the child is in the home; and
- the applicant/recipient's responsibility to maintain a home and meet the basic day-to-day needs of the child should be included in the evaluation.

A child living with his parent(s) may be eligible for TANF even though custody is held by the social services department, if all other eligibility factors for TANF are met. When living with a relative other than a parent, a child will be eligible for TANF if he/she is not eligible for Title IV-E and all other factors for TANF eligibility are met. Refer to Title IV-E Eligibility Manual, Section 202.4. If eligible for Title IV-E, the child is not eligible for TANF.

It should be noted that for TANF eligibility purposes a child can only have one home, as defined above in this section. Therefore, if the caretaker/relative qualifies for TANF because of the presence in the home of a child who receives a foster care maintenance payment, the child cannot also be considered to be "temporarily absent" from his or her prior home with a parent or other caretaker/relative, thereby also qualifying such relative for a TANF payment.

The case record must be documented relative to the local agency's finding that the child is living in the home.

A child may not be denied TANF, either initially or subsequently, on the basis that the home is considered "unsuitable" because of conditions existing in the home, unless provision is otherwise made for his adequate care and assistance.* If such conditions appear to exist, referral for protective services must be made.

- D. Minor Parent Residency Requirement ** - A minor parent is an individual under 18 years of age who is the natural parent of the child. A minor parent and the dependent child in her care must reside in the home maintained by her parent or person standing in loco parentis, unless she meets an exception. ("In loco parentis" means a relative (see 201.5A) the legal guardian of a minor child, or a person 21 years of age or older who is standing in place of the parent.) Minor applicants must be informed about the residency requirement at the time of application. If the minor cannot

* 45 CFR 233.90(b)

** Section 63.1-105.6, Code of Virginia

make arrangements to live in the home of a parent or person standing in loco parentis within the standard 30 day processing time, and does not meet an exception, then the worker must deny the application.

The priority order for living arrangements of all minor parents is the following: with a parent, with a relative, with a legal guardian, or with a person 21 years of age or older who is standing in place of the parent. If the minor parent does not reside with her parent, the local agency shall consider this priority order by encouraging the minor to move, when a more appropriate placement is found in a higher priority level. If the minor parent does not live with her parent(s) and the local agency determines that living with the parent(s) is more appropriate, the worker must make reasonable efforts to advise the parent(s) of their legal responsibility for the minor parent.

Example 1: Sue is a minor parent living with her daughter in the home of her grandmother. Sue states she does not like her mother's rules. Sue's grandmother does not make Sue attend school and does not impose a curfew. Sue's mother provides appropriate supervision. The agency encourages Sue to move in with her mother to receive TANF, and sends a letter to Sue's mother advising her of her legal responsibility for Sue.

1. Exceptions - The minor parent residency requirement shall not apply if one of the following situations exists:

- a. The minor parent is married;
- b. The minor parent has no parent or person standing in loco parentis who is living;
- c. The minor parent has no parent or person standing in loco parentis whose whereabouts are known; or
- d. The physical or emotional health or safety of the minor parent or his dependent child would be jeopardized if the minor parent and dependent lived in the same residence with the minor parent's parent or person standing in loco parentis. Such a claim shall be corroborated by clear and convincing evidence from court, medical, criminal, child protective services, psychological or law enforcement records.

If the minor parent meets an exception, then TANF is to be approved (if otherwise eligible).

2. Locating Adult-Supervised Living Arrangements - If the minor parent meets an exception b through d above and no parent or person standing in loco parentis is available, the local department of social services must assist the minor parent in locating an adult-supervised supportive living arrangement. This is to be done by determining, with the minor parent, why she does not live with a parent or person standing in loco parentis and what her needs are. The local agency must attempt to find an appropriate adult-supervised supportive living arrangement such as, but not limited to, a group home.

When an appropriate adult-supervised supportive living arrangement is located, the minor parent and child shall be required to live there to continue receiving TANF. The worker must give the minor parent 30 days advance notice to move. If the minor parent fails or refuses to move to the adult-supervised living arrangement in the 30 day time period, the worker must close the case.

Example: Maybelle is a teen parent who moved in with her grandmother after her parents died. When Maybelle's grandmother died, she did not know where any other relatives lived, and now lives alone with her child. The agency approved the case for TANF and began the search to locate an adult-supervised living arrangement.

3. Protective Payment - When a minor parent and her dependent child are required to live with the minor parent's parent or person standing in loco parentis, then TANF must be paid in the form of a protective payment to the parent or person standing in loco parentis. (See 502.7).

201.6 RESIDENCE - Federal regulations* require that a child be considered a resident of the state in which he is living, other than on a temporary basis, regardless of the reason for which he entered the state or the residence of his parents. A caretaker is a resident of the state in which he is living even though he may be homeless or may have entered the state seeking employment or with a job commitment as long as he, or the child, is not receiving assistance from another state. Temporary absence from the state, with subsequent return to the state or intent to return does not affect eligibility.

Residence must be verified except in unusual cases, such as homeless assistance units, migrant farm worker assistance units or assistance units newly arrived in a locality, where verification of residence cannot reasonably be accomplished. Verification of residence should be accomplished to the extent possible in conjunction with the verification of other TANF information. If verification cannot be accomplished in conjunction with the verification of other information the worker can use a collateral contact or other readily available documentary evidence, such as statements from migrant service agencies, letters from the people with whom the assistance unit is staying, hotel check-in receipts, day care enrollment forms and health clinic records for the family. Any document or collateral contact which reasonably establishes the applicant/recipient's residence must be accepted and no requirement for a specific type of verification may be imposed.

Continuing Eligibility - If a person receiving TANF moves to make his home in another state, eligibility for TANF in Virginia no longer exists.

* 45 CFR 233.40

201.7 CITIZENSHIP AND ALIENAGE - Federal law* and state law** requires anyone whose needs are considered in determining the amount of assistance for TANF to be a citizen of the United States or an eligible alien.

A. Citizenship/Alienage Status

1. Citizenship - An individual is a U.S. citizen if he is:
 - a. born in the United States, regardless of the citizenship of his parents (**Note: This does not apply to children of foreign heads of state or children of foreign diplomats. These children do not automatically obtain citizenship even when born in the United States or in U.S. jurisdictions.**); or
 - b. born outside the United States of U.S. citizen parents (the mother if born out of wedlock); or
 - c. born outside the United States of alien parents and has been naturalized as a U.S. citizen. A child born outside the United States of alien parents automatically becomes a citizen after birth if his parents (the mother if born out of wedlock) are naturalized before he becomes 16 years of age.
2. Alienage - An alien must be a qualified alien as defined below or meet the exception in d.3) below. If the alien does not meet the definition of a qualified alien or the exception, he does not meet the alienage requirement. If he meets the definition of a qualified alien, he must then be evaluated in accordance with b., c., and d.1) and d.2) below, depending on the date he entered the U.S.
 - a. "Qualified alien" is defined as:
 - 1) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);
 - 2) an alien granted asylum under Section 208 of the INA;
 - 3) a refugee admitted to the U.S. under Section 207 of the INA, or an alien who is admitted to the U.S. as an Amerasian immigrant pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988 (as contained in section 101(e) of Public Law 100-202 and amended by the 9th proviso under MIGRATION AND REFUGEE ASSISTANCE in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, Public Law 100-461, as amended),*** or an alien who is a victim of human trafficking.
 - 4) an alien paroled into the U.S. under Section 212(d)(5) of the INA for a period of at least one year;
 - 5) an alien whose deportation is being withheld under Section 243(h) of the INA (as in effect prior to April 1, 1997) or section 241(b)(3) of the INA (as amended by section 305(a) of division C of Public Law 104-208);**

* Public Law 104-193

** 63.2-503.1

*** Public Law 105-33

- b. If the sanction is due to failure to redirect support, the agency must also explain that the support, minus the **\$100** disregard, will count as income to the assistance unit.*
- C. SANCTIONS FOR NONCOOPERATION - Failure to cooperate, absent good cause or an exception to identification requirements, will result in the following action:
- 1. Noncooperation During First Six Months of Receipt of Assistance - When the applicant/recipient or a minor parent fails to cooperate during the first six months of receipt of assistance, the worker shall:
 - a. Exclude the caretaker's needs from the grant, reducing the grant by the amount of the caretaker's needs or by 25 percent, whichever is greater, effective the month following noncompliance, if administratively possible.** Procedures for calculating the amount of the reduction are as follows:
 - 1) If the caretaker's needs are currently included on the grant, the caretaker must be removed. If the resulting grant reduction is less than 25 percent of the amount of assistance that would otherwise be provided to the family, the grant reduction must be increased to 25 percent. In addition to removing the caretaker, document the record as to the basis for imposing the additional penalty amount.
 - 2) If the caretaker's needs are not included on the grant due to the caretaker's categorical ineligibility (i.e., receives SSI, or is an ineligible alien) the grant must be reduced by 25 percent. Document in the record the amount of the grant that the family would otherwise have received.
 - 3) If the caretaker's needs are not included on the grant due to failure or refusal to cooperate in meeting a requirement of eligibility, the grant must be reduced by 25 percent. Document in the record the amount of the grant that the family would otherwise have received.

If the caretaker subsequently complies with the eligibility requirement that had caused his needs to be removed, the amount of the reduction in the grant resulting from non-cooperation with DCSE must be recalculated. The amount of the penalty will be the greater of the reduction resulting from removal of the caretaker's needs or 25 percent of the amount the family would now receive if cooperating with DCSE.

* Public Law 109-171

** 45 CFR 232.12

201.12 - FAMILY CAP PROVISION* - An additional child born during the period when a family is eligible for TANF is not eligible to have his needs included in the grant. The family cap provision applies to a child born while the family is eligible for TANF whether the parent's needs are included in the grant or not. Once a child has been capped, he continues to be capped during any subsequent period of eligibility subject to the provisions below.

For cases active on July 1, 1995, the family cap provision applies to a child born on or after May 1, 1996.

For applications on or after July 1, 1995, the family cap provision applies to a child born after the ten full months following the month in which the initial TANF payment was issued for the case. For new applications, the issuance of the initial payment is the system payment date. For reapplications, the EW will need to determine **if there has been a break in the receipt of TANF assistance**. A new ten-month period will begin at reapplication when there has been at least a one month break in assistance **prior to the date the client reapplies for TANF**. If the household has continuously received TANF benefits prior to reapplication, the previous ten-month period will resume. The ten-month period is a fixed period of ten calendar months and is not affected by suspensions. Months in which the household receives a VIEW Transitional Payment (VTP) will not count toward the ten-month period.

Example 1: Ms. Brown's application was approved August 3, 1995, and the check date of the initial payment was August 5, 1995. The first month of the 10 month grace period is September. The tenth month is June. Therefore, the effective date of the family cap provision for Ms. Brown is July 1, 1996. The family cap applies to an additional child born to her on July 1, 1996 or later while she is eligible for TANF.

If Ms. Brown's application had not been approved until August 30th and the check date of the first payment was September 1st, the 10-month period would have begun in October and ended in July, with the family cap applicable to a child born on or after August 1.

Example 2: Continuing with the previous example, Ms. Brown closes her case effective March 31st. Ms. Brown reapplies and is approved for TANF on April 10th. As she has received a TANF payment each month since the original case approval the previous August, the original ten-month period will resume. Her tenth month will still be June. Additionally, if Ms. Brown's application was not approved until May the original ten-month period would resume **because Ms. Brown applied in the month (April) immediately following the month of the case closure (March)**.

Example 3: Ms. Solos has been a recipient of TANF for the past three years. She has two children, one of whom is capped. In March 1999 her case was closed. She reapplies in July 1999 and reports that she is pregnant. Ms. Solos' case is approved for herself and the older child. Her younger child continues to be ineligible due to his capped status. Two months later, she gives birth to her third child. This child is not capped, since the child was born during the 10-month period following issuance of her initial check.

Example 4: Continuing the the previous example, Ms. Solos closes her case effective March 31st, 2008. Ms. Solos reapplies for TANF on May 5th, 2008. She is approved for TANF on May 10th. As she did not reapply for (or receive) TANF assistance in April, she will receive a new ten-month period. The first month of the ten-month grace period will be June. The tenth month is March. The family cap will apply to an additional child born to Ms. Solos on April 1, 2009 or later while she is eligible for TANF.

- A. CHILD SUPPORT FOR THE CHILD SUBJECT TO THE FAMILY CAP PROVISION - DCSE shall send the total value of child support collected for the child subject to the family cap provision to the child's single custodial parent. This child support shall be disregarded as income and resources for the purpose of TANF eligibility and grant determination.

Any information entered on the Absence Deprivation/Paternity 501 series screens in ADAPT as part of the application process for the cap child WILL NOT be transmitted to DCSE. The applicant must complete an application for services at the local DCSE office if the applicant wishes to receive child support for a capped child.

NOTE: Anyone who is not the natural or adoptive parent of a "capped" child is not eligible to receive the total value of child support collected for the child.

- B. MINOR MOTHERS - If a minor is an eligible child on a grant, the provision does not apply to the first child of the minor, but does apply to additional children born to the minor within the specified time frames.
- C. ADOPTIVE PARENTS - The family cap policy applies to adoptive parents in the same manner that it applies to biological parents except the date of entry of the interlocutory order is the date used instead of the child's birth date.

EVIDENCE OF U.S. CITIZENSHIP AND IDENTITY

AN INDIVIDUAL IS A U.S. CITIZEN IF HE IS:

- a. born in the United States, regardless of the citizenship of his parents (Note: A child born in the United States or U.S. jurisdiction to a foreign head of state or foreign diplomat does not automatically obtain U.S. citizenship); or
- b. born outside the United States of a U.S. citizen parent or parents; or
- c. born outside the United States of alien parents and has been naturalized as a U.S. citizen; or
- d. born outside the United States of an alien parent/parents who are naturalized before he becomes 16 years of age.

A. DOCUMENTATION OF CITIZENSHIP AND IDENTITY FOR U.S. CITIZENS

An individual establishes citizenship and identity by providing one of the following documents that show a U.S. place of birth, or that the person is a U.S. citizen:

- U.S. Passport (unless the passport was issued with a limitation). The passport does not have to be currently valid to prove citizenship/identity.
- Certificate of Naturalization (N-550 or N-570)
- SAVE verification of naturalization
- Certificate of Citizenship (N-560 or N-561)

B. DOCUMENTATION OF CITIZENSHIP FOR U.S. CITIZENS (ADDITIONAL DOCUMENTATION MUST BE PROVIDED TO ESTABLISH IDENTITY. SEE SECTION C. BELOW).

The following documents establish citizenship. Additional documentation must be provided to establish identity:

- U.S. Public Birth Record showing birth in
 - One of the 50 states
 - District of Columbia
 - Puerto Rico (if birth on or after 1/13/1941)
 - U.S. Virgin Islands (if birth on or after 1/17/1917)
 - Northern Mariana Islands (if birth on or after 11/4/1986)
 - American Samoa
 - Guam
- Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240)
- United States Citizen Identification Card (I-197 or I-179)
- Final adoption decree showing child's name and U.S. place of birth
- Official military record of service showing U.S. place of birth
- Hospital or medical record created at least 5 years before application and indicating U.S. birthplace

- Written affidavit attesting to citizenship or naturalization. (Note: A written affidavit is only acceptable if no other proof of citizenship can be provided. The affidavit must be signed by at least two individuals, at least one of whom is not related to the applicant, who have personal knowledge supporting the claim of citizenship. The individuals signing the affidavit must both have proof of identity and their own citizenship. The applicant must provide a separate affidavit explaining why evidence of citizenship does not exist or cannot be obtained).

C. DOCUMENTATION OF IDENTITY FOR U.S. CITIZENS (ADDITIONAL DOCUMENTATION MUST BE PROVIDED TO ESTABLISH CITIZENSHIP. SEE ACCEPTABLE DOCUMENTATION FOR CITIZENSHIP ONLY IN B. ABOVE. SEPARATE DOCUMENTATION OF IDENTITY DOES NOT HAVE TO BE PROVIDED IF CITIZENSHIP WAS VERIFIED BY U.S. PASSPORT, CERTIFICATE OF NATURALIZATION, OR CERTIFICATE OF CITIZENSHIP SINCE THESE SERVE TO VERIFY IDENTITY AS WELL AS CITIZENSHIP).

- A state photo driver's license
- A state issued photo ID card
- A school issued photo ID card
- U.S. Military ID card (active, reserve, retired)
- U.S. Military draft record
- U.S. Military dependent ID card
- U.S. Coast Guard Merchant mariner Card
- For a child under 16 only
 - Doctor, clinic, or hospital record
 - School record
 - Child care record

6. The parent whose SSN has not been provided or application for an SSN has not been made.
7. The parent who is an alien whose needs are met by the individual sponsor.
8. The parent who is an alien who has been in the U. S. less than three years and is sponsored by an agency/organization, unless it can be documented that the agency/organization no longer exists or the agency/organization provides a statement that they are financially unable to support the alien.*
9. The parent who is found to have committed an IPV and disqualified according to Section 102.3.
10. The parent whose citizenship or alien status has not been declared in writing according to Section 201.7.C.
11. The parent whose needs are met by her spouse, the stepparent of the eligible children, living in the home.
12. The minor parent not in compliance with the compulsory school attendance requirement in Section 201.3.
13. The parent convicted in state or federal court of fraudulently misrepresenting his address to receive TANF, Medicaid, or Food Stamps in two or more states and it is within ten years of the date the individual was convicted.**
14. The parent convicted in state or federal court of a felony offense for possession, use, or distribution of a controlled substance for conduct occurring after 8/22/96.**
15. The parent that failed to report to the local agency in accordance with Section 401.2.B.2.a.3 after it became clear that the minor child would be absent from the home for 45 consecutive days.**
16. The parent that is fleeing to avoid prosecution or confinement or that is in violation of probation or parole.**
17. The putative father when paternity has not been established by DCSE. See Section 201.10A.

* 45 CFR 233.51

** Personal Responsibility and Work Opportunity Reconciliation Act of 1996

304.3 MEDICAL EXAMS FOR TANF/VIEW RECIPIENTS - In some situations, it may be necessary to have a medical exam completed in order to determine if a client should be exempted from VIEW, or to assess the client's ability to work or participate in the program. The Medical Evaluation (form 032-03-0654) is used to secure this information. **The medical examination must have been made no more than 90 days prior to the date the Medical Evaluation form was signed.**

The Medical Evaluation form can be completed by a medical doctor, including a psychiatrist, or doctor of osteopathy, or by a licensed physician's assistant or nurse practitioner working under the auspices of a medical doctor or doctor of osteopathy. The form is to be completed by a medical professional with thorough knowledge of the condition(s) that are believed to limit or prohibit the client's ability to work or participate in VIEW. Typically, this is the doctor or other medical professional who is currently treating the client for the condition. If, however, in the opinion of the agency, the client's condition is such that it should be evaluated by a specialist, then the specialist should make the evaluation and complete and sign the form.

Medical exams necessary to determine exemption status for VIEW or to assess a VIEW participant's ability to work or participate in the program will be arranged through Medicaid when possible. When Medicaid coverage does not exist, the medical exam can be paid for with VIEW funds. The agency will pay for the first medical exam; the agency may pay for additional exams, but is not required to do so.

The agency may choose to request and pay for a 2nd evaluation from a medical professional whenever the 1st evaluation is deemed by the agency to be inadequate to determine the client's exemption status, or ability to work or participate, or is otherwise questionable.

304.4 - TANF MATCH PAYMENTS (TMP) - The 2002 Virginia Acts of Assembly mandates, effective July 1, 2003, that all recipients of TANF cash assistance, including recipients whose deficit is less than \$10, be paid a monthly TANF supplement in an amount equal to the current child support collected by the Division of Child Support Enforcement, less the disregard of the first **\$100** of current child support received by the assistance unit.*

Match payments are defined as current child support paid on behalf of a case, less **\$100**. The Match payments are issued in the second month following receipt and are issued with the TANF benefits as a single payment. Payments will be issued even though the combined total of the TANF deficit and TMP total less than \$10.

The TMP is added to the TANF cash benefit after all eligibility and benefit transactions have been completed in ADAPT, i.e., imposition of disregards, penalties, and recoupment have been calculated. Since the match payments are a portion of the unit's monthly assistance payment, policies governing assistance payments must be applied, i.e., notices and fair hearings, with the exception of continuation of benefits.

* Public Law 109-171

TANF Match Payments will be issued during months of suspension and during VIEW sanctioned months. The issuance of TMPs to a recipient receiving continued benefits during the appeal process is contingent upon collection of current child support by DCSE two months prior to the payment month.

Since TMP payments are paid two months after collection of support, the case may receive payments for up to two months after case closure. These payments are automatically generated in ADAPT and issued by the State Department of Social Services.

If the TANF benefit, including the TMP, exceeds the maximum reimbursable payment for the assistance unit, the maximum will not apply and the full amount of the combined payment will be issued.

Information on TMPs is passed to ADAPT each month, based on the amount of current child support paid two months prior to the payment month on behalf of assistance unit members. If current support paid in a month is **\$100** or less, no match payment will be included in the TANF payment. A TMP change notice will be sent by the State Department of Social Services to affected TANF cases each month, indicating the Match Payment amount to be paid on the first of the following month.

At each renewal, all income of the assistance unit must be verified, regardless of whether a change has been reported. If a change is identified, a prospective determination must be conducted in accordance with [Section 305.1.A.](#) to establish ongoing eligibility.

When a change in income occurs between renewals, a prospective determination must be conducted to establish ongoing eligibility.

When attempts to verify countable income prove to be unsuccessful because the person or organization that is to provide the verification fails to cooperate with the assistance unit and the local agency, and there are no alternate sources of verification available, the Eligibility Worker shall determine an amount to be used for TANF purposes based on the best available information. The case record must be documented to reflect the method used to arrive at the anticipated income.

In the above situation, the following verification will be considered the best available information:

1. a third party statement,
2. a collateral contact, or
3. as a last resort, the applicant's/recipient's written statement of the amount of income anticipated to be received in the payment month.

D. Handling Changes in Income (Earned and Unearned)

1. The assistance unit must report increases in income that place the assistance unit's monthly income above 130 percent of the federal poverty level based on assistance unit size.

The income limits are as follows:

<u>Income Limits</u>				
Household Size	Monthly Amount	Weekly Amount	Bi-Weekly Amount	Semi-Monthly Amount
1	\$1,127	\$262.09	\$ 524.18	\$ 563.50
2	1,517	352.79	705.58	758.50
3	1,907	443.48	886.97	953.50
4	2,297	534.18	1,068.37	1,148.50
5	2,687	624.88	1,249.76	1,343.50
6	3,077	715.58	1,431.16	1,538.50
7	3,467	806.27	1,612.55	1,733.50
8	3,857	896.97	1,793.95	1,928.50
Each Additional Person	+ \$390	+ \$90.69	+ \$181.39	+ \$195.00

19. Income derived from certain submarginal land of the United States which is held in trust for certain Indian tribes (Public Law 94-114).
20. In determining eligibility for assistance, the first **\$100** of total child or child and spousal support payments received by the assistance unit is to be disregarded.* In calculating the initial month's payment(s) the **\$100** disregard is only to be applied if it is anticipated that **\$100** will not be collected by DCSE subsequent to case approval (the date that the approval action is keyed into ADAPT). If it is anticipated that at least **\$100** will be collected, the support disregard is not to be applied when calculating the initial payment since the unit will receive a disregard payment from DCSE. If the amount that is anticipated to be collected by DCSE after case approval is less than **\$100**, disregard an amount from the support received prior to case approval that will ensure the total support disregard for the month does not exceed **\$100**. For ongoing cases, DCSE will send each assistance unit a disregard payment of the first **\$100** of child support received each month (see item 24 below). The **\$100** disregard is only applicable to current child/spousal support payments received each month.
21. Payments sent to the recipient by the State which are identified as disregarded support.
22. Federal major disaster and emergency assistance provided under the Disaster Relief and Emergency Assistance Amendments of 1988 and disaster assistance provided by state and local governments and disaster assistance organizations (Public Law 100-707).
23. Payments received by individuals of Japanese ancestry under the Civil Liberties Act of 1988, and by Aleuts under the Aleutian and Pribilof Islands Restitution Act (Public Law 100-383).
24. Payments by VIEW for support services such as transportation, uniforms, child care, etc.
25. Any payment received from the Agent Orange Settlement Fund or any other fund established in response to the Agent Orange product liability litigation.** To verify whether a payment is an Agent Orange payment, use documents in the individual's possession. If the individual cannot provide verification or the situation is unclear, write to the Agent Orange Veteran Payment Program, P.O. Box 110, Hartford, CT 06104, Attention: Agent Orange Verification. Include in the request the veteran's name and social security number. If a survivor of a qualifying veteran was paid, also provide the survivor's name and social security number.
26. Payment received by individuals under the Radiation Exposure Compensation Act (Public Law 101-426).

* Public Law 109-171_

** Public Law 101-239

- g. If a parent or child is ineligible due to prior receipt of a lump sum payment and is in a period of ineligibility, none of his income is to be counted.
 - h. If the parent is a convicted offender, serving a court-imposed sentence while living at home, none of his income is considered available to the assistance unit.
2. Spouse (Stepparent) or parent outside the home - Child support or child support commingled with alimony received or anticipated to be received by the assistance unit is counted as income in the amount actually received, minus the first **\$100** each month, in establishing initial eligibility on the basis of need for an otherwise eligible assistance unit.

Child support is considered income belonging to the child. If the child is an SSI recipient or a capped child the support will not be counted.

When a non-custodial parent has been assigned a unitary support order for children included in the AU and children not in the AU, the support must be prorated. The TANF worker must:

1. Prorate the support and key in ADAPT the prorated amount for each child.
2. Contact the district DCSE office to insure their knowledge of a unitary payment for children who are TANF and non-TANF (SSI/capped).

DCSE will follow their procedures identified in Clearinghouse #03-DD-026R.

When a support payment is for a child no longer in the home, count as income any portion of the support used for the AU. Enter the income in ADAPT as a 'Third Party Payment'.

TANF Match Payments issued to the custodial parent representing the total current support will not be considered an overpayment.

If such support is insufficient to meet the needs, the initial grant(s) is to be computed counting all support received prior to the date that the case approval is keyed into ADAPT (See Exception d. below). All support received after case approval must be redirected to the Division of Child Support Enforcement (DCSE). All subsequent grant(s) are to be computed without regard to such income and the amount of the assistance payment will be total needs less all other countable income up to the maximum reimbursable payment. (Refer to [503.9](#) for retroactive payments at initial application.) The applicant/recipient must be advised that all future support received must be forwarded to DCSE. NOTE: Alimony not commingled with support is to be counted as income. It is not considered as support, is not to be redirected to DCSE, and is not eligible for the **\$100** disregard.

Exceptions:

- a. In the event the caretaker fails to cooperate in redirecting these support payments to the State, the caretaker must be

removed from the assistance unit (201.10). All future support, minus the first \$100 each month, anticipated to be received by the caretaker must be considered as income available to meet the needs of the remaining members of the assistance unit until such time support is redirected to the State.

- b. In the event the caretaker cooperates in redirecting support payments to the Division of Child Support Enforcement and the support is sent back to the client, the support will not be counted as income to the client, neither will an overpayment exist. Benefit workers should contact the district DCSE worker to determine what was sent to the client and the accuracy of the DCSE case status.
- c. In situations where the client has cooperated and support is being paid to the Division of Child Support Enforcement but the responsible person is also making a support payment directly to the client, the amount being received by the client is to be counted in total as income to the assistance unit. The \$100 disregard is not applicable to the additional support received by the family in this situation. The income will be counted against the grant until the new support obligation has been established.
- d. Pending the establishment of a child support obligation by the District Child Support Enforcement Office, payments made to a third party such as a rental agency in lieu of or in addition to child support, whether based on a court order or a mutual voluntary agreement between the client and the responsible person, must be counted as income to the assistance unit. The \$100 disregard is not applicable to third party payments.
- e. If it is anticipated that an amount less than \$100 will not be collected by DCSE after case approval, disregard an amount from the support collected prior to case approval to ensure that a total amount of no more than \$100 is disregarded in the initial month of eligibility.

3. Putative fathers outside the home- In cases involving absent putative fathers, cash contributions are counted as income in the amount received, minus the first \$100 each month, in establishing initial and continuing eligibility until such time as the contribution is redirected to the State. Note: If a notarized statement of paternity, a copy of an existing court order for support, or a Virginia birth certificate with the father's name exists in the case record, support received from such person, if absent, must be redirected to the State.

4. Other nonresponsible persons - Cash contributions from non-responsible persons, such as cohabitants, are counted as income in the amount received or anticipated in establishing initial and continuing eligibility.

A cohabitant is a person cohabiting (as man and wife) with the parent of the TANF children.

- F. Deeming Income - In certain situations, the income of an individual living in the home with the assistance unit must be evaluated to determine what amount, if any, must be considered available to the assistance unit, or deemed, regardless of whether the income is actually made available to the unit. Income deeming is applicable to the following persons:

- a stepparent living with the assistance unit who is not included in the assistance unit. Income of a stepparent will be deemed available to the child(ren) when the natural or adoptive parent of the child(ren) is also living in the home. The income of the stepparent will not be deemed available to a minor caretaker's assistance unit. Divorce terminates the stepparent's financial responsibility, but not the degree of relationship.
- the parent(s) (but not a step-parent) of a minor parent, when the minor parent resides with the parent(s).
- an alien parent who is ineligible for assistance due to his alien status.

The procedures described below are to be used to determine the amount of income that must be deemed available to the assistance unit.

1. Stepparent Deeming Procedures - The Code of Virginia has been modified in regard to the stepparent deeming procedure with the goal of keeping families together.* The two-step procedure in a. below must be followed to determine eligibility and the grant amount when there is a stepparent in the home but not in the assistance unit and the parent is otherwise eligible for inclusion in the assistance unit. If the parent has been excluded from the assistance unit due to any reason other than failure/refusal to cooperate with DCSE, only Step 2 is necessary. If the parent has been excluded due to failure/refusal to cooperate with DCSE, the procedure in b. below is applicable.

- a. Step 1 - Determining Eligibility of the Parent in the Home -

Compute the amount of the stepparent's income available to the assistance unit by subtracting the following from the verified anticipated gross monthly earned income (use net profit if from self-employment) and gross unearned income:

- 1) The first \$90 of gross earned income;
- 2) The standard of need at 100% for household members claimed or who could be claimed as dependents on the stepparent's federal income tax return, excluding members of the assistance unit.

* Code of Virginia, Section 63.2-6

Exceptions: The needs of an individual(s) who is not in the assistance unit due to an IPV sanction, failure to comply with SSN requirements, or failure to cooperate with DCSE will not be allowed.

If the stepparent has not previously filed a return or states that he will claim a different number of dependents for the current year, use the number of dependents he intends to claim for the current year.

Verify by statement from the stepparent.

- 3) Support, including wage assignments paid to individuals not living in the home who are claimed or could be claimed as dependents on the stepparent's federal income tax return.

If the stepparent has not previously filed a return or states that he will claim a different number of dependents for the current year, use the number of dependents he intends to claim for the current year.

Verify by statement from the stepparent.

- 4) Payments for alimony and child support, including wage assignments to individuals not claimed on the stepparent's federal income tax return and not living in the household.

Verify by statement from the stepparent.

Failure of the customer to verify the income of the stepparent will result in ineligibility of the case.

The amount remaining after the above deductions must be compared to the standard of assistance for the assistance unit. If the stepparent's income is less than the standard of assistance for the number of persons in the assistance unit, the parent's needs are included on the grant, and no stepparent income is deemed available. Only the income of the parent and child(ren) is to be considered in determining the grant amount. (Step 2 is not applicable in this instance.)

If the remaining amount equals or exceeds the standard of assistance for the number of persons in the assistance unit, the parent is not included in the assistance unit, and the child(ren)'s eligibility must be determined according to step 2.

Step 2 - Eligibility Determination For the Children When the Parent's Needs Must Be Excluded From the Grant - Determine the child(ren)'s eligibility and grant amount by counting the parent's income, the child(ren)'s income, and that portion of the stepparent's gross income in excess of 150% of the poverty level for two persons (the parent and stepparent), which is **\$1,750**. The latter is a standard amount and must be used in all cases regardless of the actual number

of dependents the stepparent has. Countable income is to be deducted from the standard of assistance at 90% for the assistance unit.

- b. Stepparent Deeming Procedure Used When the Parent in the Home Refuses/Fails to Cooperate With DCSE - When it is determined that the parent of the TANF child(ren) has failed or refused to cooperate with DCSE, the stepparent's income must be deemed available to the assistance unit, calculating the deemed amount in accordance with 305.4.F.1.a.1) - 4). The deemed income, in addition to the income of the parent and child(ren) must be counted to determine the assistance unit's eligibility and grant amount.

Failure of the customer to verify the income of the stepparent will result in ineligibility of the case.

- c. Stepparent Deeming When the Parent Is Not in the Home With the Stepparent - The income of the stepparent will not be deemed when the natural/adoptive parent of the TANF children is not living in the home due to separation, divorce, or death. However, when the stepparent and the natural/adoptive parent are living apart due to military duty, employment, or other reason, and they both consider themselves to be living as husband and wife, they will not be considered separated and the income of the stepparent will be deemed.

If the stepparent is included in a TANF assistance unit, policies and procedures applicable to assistance unit members apply instead of the deeming procedures.

Note: A lump sum payment received by an eligible child's stepparent is considered available to the assistance unit in the month of receipt only.

EXAMPLE #1:

Ms. P. is applying for TANF for herself and her 3 children. Ms. P. receives unearned income in the amount of \$50 per month, and each of the 3 children receives unearned income in the amount of \$50 per month, as well. Ms. P.'s husband (not the children's father) is employed and earns \$1,800 per month. Mr. P. has no other dependents.

1. To determine Ms. P.'s eligibility to be included in the AU:

Mr. P.'s income	\$1,800.00
Less \$90 disregard	- 90.00
	<u>\$1,710.00</u>
Less standard of need for 1 (group II)	-174.00
Amount deemed available to Ms. P.	<u>\$1,536.00</u>
Standard of assistance for 4 person AU	\$ 382.00
Note: The standard of assistance does not include the TANF Match Payment.	

Since the portion of Mr. P.'s income which is deemed available to Ms. P. exceeds the standard of assistance for 4 persons, she is not eligible to be included in the AU.

2. To determine the 3 children's eligibility, and, if eligible, the grant amount:

Stepparent's (Mr. P.'s) income	\$1,800.00
150% of poverty guidelines for 2 (monthly)	<u>-1,750.00</u>
Amount <u>greater than</u> 150% poverty guidelines	\$ 50.00
Standard of assistance for 3-person AU	\$ 320.00
Note: The standard of assistance does not include the TANF Match Payment.	
Less countable income (\$50.00 - amount of Mr. P.'s income which exceeds 150% of poverty guidelines; \$50 - Ms. P.'s unearned income; \$150 - the children's unearned income)	<u>- 250.00</u>
Grant amount	\$ 70.00

EXAMPLE #2:

Ms. J., who has been receiving TANF on behalf of herself and her 2 children reports that she remarried over the weekend. Ms. J. receives unearned income in the amount of \$100 per month. Her husband, Mr. J. is employed, with earnings in the amount of \$800 per month. Mr. J. has 3 children who live with his former wife, for whom he pays support in the amount of \$400 per month.

1. To determine Ms. J.'s eligibility to be included in the AU:
- | | |
|---|-----------------|
| Mr. J.'s income | \$ 800.00 |
| Less \$90 disregard | <u>- 90.00</u> |
| | \$ 710.00 |
| Less standard of need for 1 (group II) | <u>- 174.00</u> |
| | \$ 536.00 |
| Less support paid by Mr. J. to non-household dependents | <u>- 400.00</u> |
| Income deemed available to Ms. J. | \$ 136.00 |
| Standard of assistance for 3-person AU | \$ 320.00 |
| Note: The standard of assistance does not include the TANF Match Payment. | |

Since the portion of Mr. J.'s income which is deemed available to Ms. J. is less than the standard of assistance for 3 persons, she is eligible to be included in the AU. Proceed to grant calculation, since Ms. J. is eligible.

2. To determine the grant amount:

Standard of assistance for 3-person AU	\$ 320.00
Less countable income (Ms. J.'s income)	<u>- 100.00</u>
Grant amount	\$ 220.00

EXAMPLE #3:

Ms. L. is applying for TANF for herself and her 2 children. Ms. L. works 10 hours per week, and earns \$50 weekly. Her husband, Mr. L. (not the children's father) is employed and earns \$2,000 per month. Mr. L. has 1 child, who lives in the household also.

1. To determine Ms. L.'s eligibility to be included in the AU:

Mr. L.'s income	\$2,000.00
Less \$90 disregard	<u>- 90.00</u>
	\$1,910.00
Less Standard of need for 2 (group II) to include Mr. L. and his child	<u>- 257.00</u>
Income deemed available to Ms. L.	\$1,653.00
Standard of assistance for 3-person AU	\$ 320.00

Note: The standard of assistance does not include the TANF Match Payment.

Since the portion of Mr. L.'s income which is deemed available to Ms. L. exceeds the standard of assistance for 3 persons, she is ineligible to be included in the AU.

2. To determine the 2 children's eligibility, and if eligible, the grant amount:

Stepparent's (Mr. L.'s) income	\$2,000.00
150% of poverty guidelines for 2 (monthly)	<u>-1,750.00</u>
Amount <u>exceeding</u> 150% of poverty guidelines	\$ 250.00
Standard of assistance for 2-person AU	\$ 254.00

Note: The standard of assistance does not include the TANF Match Payment.

Therefore, the 2 children are eligible for TANF, since Mr. L.'s income, **while** in excess of 150% of poverty guidelines, **does not** exceed the standard of assistance for an AU of 2.

2. Deeming Income in Minor Caretaker and Ineligible Alien Cases - Income must also be deemed to an assistance unit in the following situations. Applicable policies and procedures are explained below.

- a. Minor Caretaker Living with Senior Parent(s) - When living together, the income of a senior parent(s) is to be deemed available to the minor caretaker's assistance unit.* The senior parent's income must be considered available to the eligible child(ren) by applying the deeming procedure in Section 305.4.F.2.c. below. A stepparent's income is not deemed available to a minor caretaker's assistance unit.

When the minor caretaker is an SSI recipient, and lives in the home of his/her parent, the income of the senior parent(s) is deemed available to the minor caretaker's TANF assistance unit. If eligibility for TANF exists, the Social Security Office must be informed that the income is being counted for TANF purposes. The EW must document the case record to show that the Social Security office has been advised that the minor caretaker's parent's income is being counted for TANF purposes.*

- b. Ineligible Alien Parent - If a parent living in the home with the eligible TANF child is an alien and is ineligible for assistance

D. Practices Specifically Prohibited - The following practices are specifically prohibited:

- (a) Entering a home by force, without knocking or under false pretenses.
- (b) Making home visits outside of working hours, unless such a visit cannot be arranged during working hours because of the applicant/recipient's employment, or a home visit has been requested by the applicant/recipient. When such visits are necessary, the case record must be documented accordingly. Making visits other than specified is not acceptable under any circumstances.
- (c) Searching in the home, in closets, drawers or papers, etc.

E. Recommendation Regarding Eligibility - The eligibility determination must be completed as promptly as possible, but in all cases within the time needed to assure the assistance payment is issued, or notice of denial is mailed to the applicant within 30 days following the date of application.* When the eligibility determination is completed, the eligibility worker is responsible for making a recommendation of eligibility or ineligibility. The recommendation must be supported by the facts recorded in the eligibility case record.

F. Decision of Eligibility - Federal regulations** require a decision be made promptly on applications, in accordance with the State established time standards, unless the application is disposed of under special conditions.

A decision of eligibility or ineligibility must also be made when eligibility is reconsidered as specified in Section 401.3.***

The Code of Virginia, Sections 63.1-109 and 63.1-114, provides that the decision of eligibility is the responsibility of the local board. However, the Superintendent is to take action with regard to eligibility if the local board does not act within the specified time limits or if the circumstances require immediate assistance to prevent hardships or other action. The superintendent's action in such instances is official and not subject to confirmation by the local board; the case must be presented to the local board at the next meeting, however, for action on continuing eligibility.

Case Action - This is the formal agency action and is required with respect to initial determination of eligibility and, if eligibility exists, the amount of assistance and BDOA; persons eligible for assistance; method of payment and designation of payee, if other than eligible person; changes in amount of assistance payment; ineligibility for assistance.

All case actions must include the effective date of the action taken. In actions regarding an initial payment, this will be the BDOA.

* 45 CFR 206.10(a)(3)

** 45 CFR 206.10(a)(8)

*** 45 CFR 206.10(a)(9)

- s. Upon receipt of a notarized acknowledgement of paternity form, notify the applicant/recipient that paternity has been established.
- t. The applicant/recipient must be advised that if any individual who is included in the A.U. does not have a SSN it must be provided or proof of application must be provided.
- u. The applicant/recipient must be advised that when current support, greater than **\$100**, is being collected by the Division of Child Support Enforcement, the TANF recipient may receive a TANF Match Payment per Section 304.4.
- v. Provisions regarding continuation of DCSE services following the termination of assistance.
- w. The provisions described in Section [401.1.A.](#) regarding the single interview and joint application process for TANF and food stamps must be explained to the applicant/recipient.
- x. Provisions for transitional child care benefits per Section [401.7.](#)
- y. In situations where the assistance unit is homeless, the worker must explain the need for the caretaker to keep in contact with the local agency and/or frequently check the mutually agreed upon destination where correspondence and checks will be mailed. The case record must be documented to reflect where the unit wants to receive notices and checks.
- z. Provisions of the family cap policy per Section [201.12.](#)
- aa. 60-month limit on receipt of TANF provision.
- bb. The applicant/recipient's right to voter registration services in accordance with the National Voter Registration Act of 1993. Refer to [Appendix II](#) of Chapter 400 for applicable policy.
- cc. Information on the right to disclose a disability to the agency, and the benefits of doing so by providing the form, "Do you have a disability? (032-03-670)".
- dd. The fact that applicants and recipients with disabilities are entitled to reasonable accommodations in all aspects of the TANF program, including:
 - 1. Help filling out the application, gathering documents and verifying information establishing eligibility for benefits;
 - 2. Modifications to program requirements if necessary;

4. An emergency payee in an existing case, when a situation, such as sudden death, desertion, imprisonment, or commitment to a mental hospital, unexpectedly deprives the child of the care of the grantee relative. Payment to an emergency payee is for a temporary period, limited to the time necessary to make and carry out plans for the child's continuing care and, in any event, not exceed three months.

B. Vendor Payment - The provider of goods and/or services.

502.5 ISSUANCE OF PAYMENT

A. Issuance Date -

1. The Monthly Money Payment - If the effective date is either the date of application or the first of the month following the month of application, benefits should be authorized at the time of approval. ADAPT will issue the payment 2 - 3 days later. Subsequent ongoing monthly payments will be issued on the first of the month to cover the needs for that month.
2. Supplemental Payment - A supplemental payment is defined as a payment given in addition to the pre-authorized assistance payment as a result of a change in circumstances which increases need for a specific month.

Supplemental payments are to be issued immediately using an Effective date of the first of the month for which the payment is being issued.

3. Vendor Payments are to be issued after the end of the month, upon receipt of a bill from the provider of goods or services. When protective vendor payments are made in TANF, under conditions specified in Section 502.7, it may be necessary in some instances to issue such payments at intervals during a month.
 4. TANF Match Payments - TANF Match Payments are defined as current child support paid on behalf of a case, less \$100. The Match payments are issued in the second month following receipt and are issued with the TANF benefits as a single payment.
- B. Mailing of Checks - All checks, including the initial money payment, are to be mailed via the United States Postal Service, unless the recipient has a justifiable reason for calling in person at the office for the check or for asking that the check be delivered directly to him at his place of residence. Such reasons should be stated by the recipient in writing and his signed and dated written request should be filed in the case record. A receipt should be secured for any checks delivered personally in the office or in the home. Proper identification should be requested if there is any doubt as to the identity of the recipient.

2. explaining the benefits of providing information to DCSE such as possible entitlement to receive up to a **\$100** disregard per month when support has been collected, monetary support for the child if the applicant/recipient loses TANF benefits, and future benefits or pensions for the children;
3. securing information regarding absent parent(s), and the amount of support, if any, which is received by or on behalf of the applicant/recipient from such persons;
4. reporting information about absent parent(s) to DCSE;
5. explaining the applicant/recipient's rights and responsibilities regarding the automatic assignment of rights to support (201.9), the requirement regarding cooperation in obtaining support and good cause for refusing to cooperate (201.10);
6. in pending applications where it appears from the applicant's statement that a putative father is living in the home, the local agency may pursue the establishment of paternity. An Acknowledgement of Paternity, form VS22, obtained from the local health department, should be used for this purpose. The form must be completed, signed by the putative father, and notarized. A copy of the notarized Acknowledgement of Paternity should be filed in the case record and the original sent to the Virginia Department of Health, Office of Vital Records, P.O. Box 1000, Richmond, VA, 23218.

Once a child becomes a recipient, the agency is not to pursue the putative father for the purpose of establishing paternity. However, the agency will accept an acknowledgement of paternity which is initiated by the putative father at any time. Paternity will be established by use of the notarized Acknowledgement of Paternity form. There will be no instance in which the local agency initiates court action for the purpose of establishing paternity when the putative father is not in the home. Additionally, the local agency will not accept a notarized statement denying paternity under any circumstances.

7. determining good cause for not cooperating with DCSE;
8. determining noncooperation with the local department of social services;
9. determining exceptions to providing identifying information on the noncustodial parent in Section 201.10 A.1.c.).

602.1 REDIRECTION OF SUPPORT MONIES FROM NON-CUSTODIAL PARENTS - Federal regulations* state that in cases where an assignment of support is effective, support payments shall be made to Support Enforcement. The assignment is effective upon case approval. Therefore, any child support, including court ordered support, paid to the assistance unit from the non-custodial parent subsequent to case approval must be redirected to Support Enforcement. Once this support is redirected, it will not be considered in determining the amount of payment, until such time as the net support, when added to other countable income, is sufficient to meet the total needs of the assistance unit.

TANF recipients who have redirected all child support paid to the assistance unit from the non-custodial parent to the Division of Child Support Enforcement (DCSE) may be entitled to a TANF Match Payment. When current monthly child support collected by DCSE exceeds **\$100**, a TANF Match Payment in the amount that exceeds **\$100** will be issued to the TANF recipient.

MONTH 1	MONTH 2	MONTH 3
Non-custodial parent pays current monthly support of \$153 to DCSE. DCSE sends \$100 disregard to TANF recipient.	DSS receives DCSE's report showing total amount of current support collected to Division of Benefit Programs.	TANF Match Payment of \$53 issued to TANF recipient. (Recipient continues to receive \$100 disregard payment.)

602.2 TREATMENT OF SUPPORT - The following sections will outline when support received from a non-custodial parent in cash or in-kind is to be considered available to the assistance unit and counted accordingly. The term "total needs" used in the following is the statewide standard of assistance. The local worker's responsibility is limited to determining the amount of support received by the applicant/recipient from non-custodial parents, and determining eligibility and amount of assistance payment based upon the policy set out below.

602.3 SUPPORT FROM NON-CUSTODIAL PARENTS ABSENT FROM THE HOME

During the initial determination of eligibility, the first **\$100** of monthly child support received, or expected to be received, by the applicant will be disregarded in the eligibility screen and grant calculation. If the amount received or expected to be received is less than **\$100**, the entire amount is to be disregarded. All remaining support (net countable) will be considered as income for computing the amount of any payment made to the family for a period prior to the first TANF assistance payment. This procedure applies to [A.](#), [B.](#), [C.](#), and [D.](#) below.

If the family is determined to be otherwise eligible according to policy, assistance must be granted without delay. Child support received from non-custodial parents during the application processing stage, less the first **\$100** of total support received, or expected to be received, will be considered as income to the A.U. for any payment made to the family for a period prior to case approval. The disregard of the first **\$100** of child support is also applicable to support received, or expected to be received, from a putative

* 45 CFR 302.32 (A)

father during the application processing stage. Additionally, this disregard will be applied to support from the putative father subsequent to case approval until the recipient redirects such support to the Division of Child Support Enforcement.

A. Absent Parent or Acknowledged Father

Determine the amount of support received from the non-custodial parent.

1. Subtract the first **\$100** from the total child support received to determine net support.
2. If net support when added to other countable income is sufficient to meet the total needs of the assistance unit, eligibility does not exist.
3. If such support when added to other countable income, is insufficient to meet total needs of the assistance unit, the budget will be computed showing total needs minus other countable income. The support received will not be counted as income after case approval. The applicant/recipient must be advised that all future support received must be forwarded to Support Enforcement. See 305.4.E.2. for exceptions.

- B. Absent Spouse of the Caretaker who is a Relative Other Than Parent of Eligible Children - Determine if the absent spouse of such caretaker is paying support and/or alimony and the amount contributed. If the amount being paid, when added to other countable income of the caretaker, equals or exceeds that individual's needs, the caretaker will be excluded in determining the amount of assistance payment. If the amount is insufficient when considered as above, the caretaker will be eligible to be included in the assistance unit. Support/Alimony received by the caretaker must then be combined with gross support being received from the absent parent of the eligible children. (See Section 305.4.E.2 regarding the calculation of the initial payment(s)). Future support/alimony payments received after case approval must be paid to the Division of Child Support Enforcement and this income will be disregarded. The amount of assistance payment will be computed based on total needs minus countable income, up to the maximum reimbursable amount. (Refer to 302.2.) If the caretaker is receiving alimony only, (support not commingled with child support) this is to be retained by the assistance unit and counted as income to the unit. The **\$100** disregard is not applicable.
- C. Absent Spouse of the Parent of the Eligible Children - Support or alimony paid to an eligible child's parent in the assistance unit (this parent must be in the assistance unit unless one of the criteria in 302.6.D. exists) must be considered as income to the unit. Combine the support/alimony of the eligible child's parent with support received from the absent parent of the child. The first **\$100** of total gross support received by the parent and eligible child(ren) will be disregarded in determining eligibility. If the net amount being received, when added to other countable income, equals or exceeds the appropriate standard of assistance, eligibility does not exist. (See Section 305.4.E.2 regarding the calculation of the initial month's payment(s)). If the amount is insufficient when considered as above, future payments received after case approval must be paid to Division of Child Support Enforcement and will be disregarded in determining the amount of the assistance payment. If the caretaker is receiving alimony only (support not commingled with child support) this is to be retained by the assistance unit and counted as income to the unit. The **\$100** disregard is not applicable.
- D. Putative Father Absent from the Home - Cash contributions from a putative father, less the first **\$100**, will be counted as income against the grant, in the amount received by the assistance unit, until these contributions are redirected to the Division of Child Support Enforcement. (See 305.4.E.3. for treatment of cash contributions from putative fathers.) Once the contribution is redirected, the amount of the assistance payment will be computed based on the standard of assistance for the unit minus other countable income, up to the maximum reimbursable payment.

602.5 HANDLING OF SUPPORT PAYMENTS COLLECTED BY THE STATE

State and federal regulations require that all support paid for or on behalf of a child or caretaker receiving TANF must be directed to the State as a refund toward public assistance paid on behalf of such children or caretaker.*

Federal regulations require the Support Enforcement agency to notify the agency administering the TANF program, of the amount of support collected which represents payment on the required support obligation for each month. The notification requirements are accomplished through the report, TANF Cases, Current Collected Support and Expected TMPs displayed monthly and accessed by local agencies on the VDSS Local Agency Intranet Page. This report shows support collected on the required support obligation by the State in the prior month and is available on line by the 15th of the month following the month in which the support was collected. The local agency administering the TANF program is required, upon being informed of this amount, to determine if such payment is sufficient to make the family ineligible for an assistance payment.**

Under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 states were given the option to continue the \$50 disregard payments to TANF recipients, where appropriate. **Based on the Deficit Reduction Act of 2005, Virginia opted to increase the disregard payment to \$100.***** No disregard payment, shall be made, however, for a month in which there is no support collected.**** When support is collected from two or more absent parents, only the first \$100 of the total support collected will be paid to the assistance unit and disregarded. The disregard will be issued to TANF recipients when the TANF case has a status of 'GR' (granted), 'GV' (granted VIEW), or GF (granted FEP).

TANF case with 'SU' (suspended) status for any reason, will be sent the current total collected support (including the \$100 disregard) for the actual month of suspension by DCSE.

A. Notification to Local Agencies

The report, TANF Cases, Current Collected Support and Expected TMPs displays current support payments paid to DCSE on the required support obligation from non-custodial parents for the month identified on the report. The monthly TANF benefit and the amount of the TANF Match Payment (total current monthly support, minus the disregard) will also display on the report, TANF Cases, Current Collected Support and Expected TMPs.

This report must be accessed and reviewed monthly. The amount of support shown on the report should be used as outlined below:

- * 45 CFR 302.32(a) and Section 63.2-1909, Code of Virginia
- ** 45 CFR 233.20
- *** Public Law 109-171
- **** 45 CFR 233.20

DCSE representative. However, the time frame for taking action remains the same. If the case is determined to be ineligible, the case must be suspended before cutoff of the month in which the TANF Cases, Current Collected Support and Expected TMPs report was received by the agency.

B. Handling of Support on Suspended TANF Cases

Suspended cases will have mailed to them from DCSE the current total (includes **\$100** disregard) collected support for the actual month of suspension.

Process

- TANF case is suspended in ADAPT in a current month, effective the 1st of the next month.
- ADAPT sends to DCSE the suspension status at the end of the month in which the suspension was entered.
- DCSE changes the case status in APECS from TANF to Non-TANF at the beginning of the suspended month.
- DCSE sends the client all support collected in the actual month of suspension, within two days of receipt.

If current support greater than **\$100** was paid to DCSE two months earlier, the client will receive a TANF Match Payment in the month of suspension.

Suspended TANF cases may be reinstated when the recipient has satisfied the requirements of the reason for suspension. Cases suspended due to net support exceeding the TANF payment amount (SU 013) must not be reinstated for the month of suspension.

When it is appropriate to reinstate the TANF case, change the status from 'SU' to 'GR', 'GV', or 'GF', and ensure payment is made for the appropriate month(s).

- If reinstating for the month of suspension complete a benefit calculation for the month of suspension counting the net support (minus the first **\$100**) sent to the client from DCSE.
- The support for the month of suspension must be verified through APECS and the net support counted in the benefit calculation.
- Additional support payments sent from DCSE to the client in the month of suspension after the payment has been reinstated must not negatively impact the client.
- If the 'GR', 'GV', or 'GF' is for the month following the month of suspension ADAPT will calculate the payment amount.

801.1 PURPOSE

The diversionary assistance program was established by HB 2001, passed by the 1995 General Assembly. Authorized by Section 63.2-617 of the Code of Virginia, this program is intended to prevent potential TANF recipients from becoming ongoing TANF recipients. If immediate intervention with short-term aid will resolve an emergency or crisis situation and prevent the need for ongoing TANF, the assistance unit may be granted diversionary assistance.

It is anticipated that the applicant's emergency or crisis situation will be related to basic needs such as food, shelter, medical expenses, child care expenses or the costs associated with getting or keeping employment, including transportation costs. Local agencies shall strive to provide the most cost effective, appropriate solution to the one-time crisis or emergency situation.

801.2 SCREENING

The worker must explain the diversionary assistance program to all TANF applicants. The worker must screen all TANF applicants for eligibility for diversionary assistance at the time of application to determine if the applicant has an emergency, and whether diversionary assistance can resolve it. If so, the eligibility worker should determine if the client will volunteer for such a payment if otherwise eligible.

801.3 VOLUNTARY

The eligibility worker and the applicant must discuss the appropriateness of diversionary assistance to the applicant's situation. If the applicant meets the eligibility factors for diversionary assistance, he may decide whether or not to receive diversionary assistance rather than TANF. Receipt of diversionary assistance is voluntary and in every case requires the written consent of the applicant. All applicants for diversionary assistance must first sign the Acceptance of Terms of Issuance for Diversionary Assistance to be approved.

801.4 ELIGIBILITY DETERMINATION PERIOD

Local social services agencies must determine eligibility for diversionary assistance within five working days of the receipt of the final verification that substantiates eligibility, or within 30 days following the date of receipt of the signed application, whichever occurs first.

801.5 ELIGIBILITY FACTORS

Only applicants may be approved for diversionary assistance. Current recipients of TANF are not eligible. **Receipt of diversionary assistance will not count toward either the 24 or 60 month limit on the receipt of TANF.** The applicant must verify all of the following factors and the worker must document the case record accordingly before an assistance unit can receive diversionary assistance:

- A. The assistance unit is eligible to receive TANF. A child is eligible for TANF by meeting the TANF requirements in Section 201.1 A. (categorical requirements). The conditions of eligibility in 201.1 B do not have to be

- D. An assistance unit that is in a period of ineligibility for TANF due to the time limit on assistance (**either 24 or 60 month**) is also ineligible for diversionary assistance.
- E. A child(ren) born to a client who is in a period of ineligibility for TANF due to receipt of a diversionary assistance payment is not eligible for TANF until the period of ineligibility expires.

801.8 VENDOR PAYMENTS

Diversionary assistance payments are to be made in the form of vendor payments. Vendor payments are issued as TANF supplemental checks and are entered in ADAPT on the BATASC screen. The account number, and name on the account, if different from the case name, must be entered on the "secondary line" so the payment can be correctly credited by the vendor. If the worker cannot issue a vendor payment due to systems limitations, or if a vendor payment is not appropriate based on the circumstances of the case, a payment may be made directly to the recipient.

The Virginia Initiative for Employment not Welfare Program (VIEW) is a program of employment opportunities to assist individuals in attaining the goal of self-sufficiency.*

The program goals are to offer Virginians living in poverty the opportunity:

- To achieve economic independence by removing barriers and disincentives to work and by providing positive incentives to work;
- To provide work skills necessary for self-sufficiency;
- To allow families living in poverty to contribute materially to their own self-sufficiency;
- To set out the responsibilities of and expectations for recipients of public assistance;
- To obtain work experience through the Virginia Initiative for Employment Not Welfare (VIEW).

NOTE: All policy in this manual also applies to VIEW participants except for the specific differences indicated below.

901.1 PARTICIPATION - As a condition of eligibility, each recipient of TANF and TANF-UP must participate, as required in VIEW, unless otherwise exempt.

The eligibility worker in the local agency must determine which applicants and recipients are not required (exempt) to participate and which are required to participate (non-exempt). The eligibility worker will refer to the VIEW Program a non-exempt individual at the time of application approval or when an individual's VIEW status changes. Any previous or existing registrations or participation under another category of assistance no longer apply.

NOTE: JOINT TANF AND FOOD STAMP APPLICATIONS: In situations requiring joint processing of TANF and Food Stamp applications, the work registration form or affidavit, whichever is appropriate, is to be used for food stamp purposes in the event that the TANF application is denied. (Refer to Volume V, Part VIII, A. of the Food Stamps Certification Manual.)

901.2 EXEMPTION CRITERIA - An applicant/recipient of TANF or TANF-UP must participate in the VIEW Program unless the individual meets one of the following exemption criteria:

- A. Any individual, including minor caretakers under 18 years of age.
- B. Individuals at least 18, but no more than 19 years of age, who are enrolled full-time in elementary or secondary school, including vocational or technical school programs. The vocational or technical school must be equivalent to secondary school.

- C. Individuals unable to participate because of a temporary medical condition that prevents entry into at least 10 hours per week of employment and training activities, as determined by a medical professional. A medical professional is defined as a medical doctor, including psychiatrist, or doctor of osteopathy, or a licensed physician's assistant or nurse practitioner working under the auspices of a medical doctor or doctor of osteopathy. This definition of medical professional applies in exemption F below also.

The individual must provide the local agency a completed Medical Evaluation (form 032-03-0654-eng) completed by the medical professional that states the nature and scope of the incapacity, including abilities and limitations of the individual, and the duration of the incapacity. **The duration indicated is measured from the date the form was completed and signed by the medical professional.** If the medical form does not specify the duration of the medical condition, or if the form is otherwise incomplete, the eligibility worker must contact the medical professional to obtain the missing information before acting on the medical.

The form is to be completed by a medical professional with thorough knowledge of the condition(s) that are believed to limit or prohibit the client's ability or participate in VIEW. Typically, this is the doctor or other medical professional who is currently treating the client for the condition. If, however, in the opinion of the agency, the client's condition is such that it should be evaluated by a specialist, then the specialist should make the evaluation, complete and sign the form.

Medical exams necessary to determine exemption status for VIEW or to assess a VIEW participant's ability to participate in the program will be arranged through Medicaid when possible. When medical coverage does not exist, the medical exam can be paid for with VIEW funds. The agency will pay for the first medical exam; the agency may pay for additional exams, but is not required to do so.

The agency may choose to request and pay for a 2nd evaluation from a medical professional whenever the 1st evaluation is deemed by the agency to be inadequate to determine the client's exemption status, or ability to work or participate, or is otherwise questionable.

If the physician indicates that the individual is able to participate in employment and training activities but is limited in the types of activities that can be performed, or the hours of participation, the eligibility worker must refer the individual to VIEW and share the information with the ESW so suitable accommodations can be arranged. The employment services worker must work with the individual to find suitable component assignments, taking into account any limitations indicated by the physician. The agency shall ensure that reasonable accommodations are made if needed.

If the individual is unable to participate in VIEW for at least 10 hours per week because of a temporary medical condition substantiated by a medical statement, the eligibility worker must obtain a new medical and reevaluate the exempt individual's incapacity immediately following the anticipated end of the incapacity as originally noted. If the duration indicated for the condition is more than 12 months, or if the disability is identified as permanent, a new medical must be obtained every 90 days.

If there are two parents in the assistance unit and one parent is exempt because of a temporary medical condition or disability, the case is a TANF case rather than a TANF-UP case.

If the agency is unable to secure a medical evaluation for a person required to participate in VIEW, the individual will be referred to VIEW. The ESW will work with the participant to secure a medical evaluation as part of the VIEW assessment process.

- D. Individuals who are incapacitated, as determined by receipt of Social Security Disability benefits or Supplemental Security Income. The eligibility worker must refer persons with a permanent incapacity to vocational rehabilitation using the Referral to Rehabilitative Services form (032-03-0302-00-eng)
<http://localagency.dss.virginia.gov/divisions/bp/tanf/forms/general.cgi>.

Only one referral is necessary and no follow-up is required. This exemption cannot be granted to either parent in a TANF-UP case. If there are two parents in the assistance unit and one parent meets this exemption, the case is a TANF case rather than a TANF-UP case.

- E. Any individual 60 years of age or older.
- F. An individual who is needed on a substantially continuous basis to care for a family member living in the household. The family member must have a verified disability. The individual must have caretaking needs that prevent the individual from participating in work activities. "Caretaking needs" that prevent the caregiver from participating in work activities include the need for attendance, supervision and home care, and other needs related to the family member's disability. A medical professional must complete a Statement of Required Presence of Caregiver form (032-03-0020-00-eng) to verify the family member's condition, and the need for the individual to be available on a substantially continuous basis. If the documentation does not result in exemption from VIEW, the documentation must be forwarded to the VIEW worker. If the disabled family member is out of the home for substantial parts of the day, for example to attend school, then this exemption is not appropriate.
- G. A parent or caretaker/relative of a child under twelve months of age who personally provides the care for a child.

In a double caretaker assistance unit in which one parent is incapacitated, the eligibility worker must refer the other caretaker for participation unless he can provide a written doctor's statement indicating that the incapacitated caretaker is unable to care for the child under twelve months.

NOTE: A parent who gives birth to a child subject to the family cap provision (refer to Section 201.12) may be granted a temporary exemption of not more than six weeks after the birth of the child.

NOTE: In the VIEW Program, a parent whose needs are removed from the grant must participate unless otherwise exempt. Reasons why the parent's needs have been removed from the grant include, but are not limited to, noncooperation with DCSE, disqualification for IPV violation, a drug felony conviction, or failure to provide a Social Security number. In addition, a parent whose needs are not included in the grant due to the stepparent deeming requirements, 305.4.F., or due to the sponsored alien deeming requirements, 305.4.D., must participate in VIEW, unless otherwise exempt.

A parent who does not meet TANF categorical requirements (parent is an SSI recipient or parent who is an illegal alien) is not required or eligible to participate in VIEW. For illegal aliens, use the VIEW exemption code 'VU' on the AEGNFS screen.

Unless otherwise exempt, a parent who is a court convicted offender serving a sentence while still living in the home should be referred to VIEW if he is allowed by the court to leave home to work or attend education/training activities.

TANF-UP - In a TANF-UP case, both parents must be referred for participation, unless one meets an exemption; only one parent can be exempt. If both parents meet an exemption criterion, they must decide who will be referred for participation. If the household's situation changes and the recipients wish to change the VIEW participant, they may do so upon request and after advisement from the ESW or EW. Exception: The recipients may not switch VIEW participants in order to avoid termination of the case or in order to avoid or cure a sanction.

When both parents are under the age of 18 they are exempt. However, they may volunteer until they attain the age of 18. **Any months in which the individual participates in VIEW will be counted toward the 24-month limit on the receipt of TANF. For this reason, these individuals should be encouraged to stay in school to continue their educations instead of volunteering for VIEW.**

Volunteers - Recipients who are exempt from VIEW may volunteer to participate in VIEW. Recipients of SSI benefits, convicted offenders serving sentences while still living in the home, and illegal immigrants, are ineligible for inclusion in the TANF assistance unit and therefore cannot volunteer to participate in VIEW. The eligibility worker must advise all volunteers that once they enter VIEW by signing the Agreement of Personal Responsibility they have the same rights and responsibilities as mandatory participants.

VIEW volunteers are given a trial period of up to 12 consecutive months of participation. During this trial period, volunteers will not be sanctioned for failure to comply with VIEW program requirements. If the volunteer fails to participate as agreed, the VIEW worker will advise the client to terminate her volunteer status and again become exempt or will take this action on the client's behalf. The client will not be able to volunteer a 2nd time during the 12 month trial period and maintain her volunteer status. She has forfeited the balance of her trial period by her failure to participate as agreed. Volunteers who elect to volunteer a 2nd time during the 12 month trial period or to continue in VIEW beyond the 12 month trial period, are required to participate and will be sanctioned if they fail to do so without good cause.

A former VIEW volunteer whose TANF case is closed may reapply for TANF, and, assuming she continues to be exempt from VIEW, may once again volunteer to participate in VIEW and be granted a new 12 month trial period.

Applicants can volunteer for VIEW only after the TANF application has been approved. They are eligible for the VIEW enhanced disregards in the month following the month the VIEW APR is signed.

Non-parent caretakers who meet the financial requirements of Section 304.2 and are included in the assistance unit may volunteer to participate in VIEW. They may continue to be eligible until their monthly income exceeds the current poverty level for one person.

901.3 RESPONSIBILITIES OF THE ELIGIBILITY WORKER - Regarding VIEW, the eligibility worker must:

- A. Explain the exemption criteria to all applicants at application and to recipients at redetermination, and their obligation to report changes affecting their status. The recipient must provide information and verify all reported changes in exemption status. The eligibility worker must change the exemption status in the month in which the change is verified. Note: Changes that result in a status change from exempt to non-exempt which are reported late, do not constitute an overpayment.
- B. Screen for VIEW status and refer recipients for VIEW participation, when appropriate, and use the appropriate system VIEW status codes (Refer to ADAPT field help on AEGNFS). Obtain a completed "Do You Have a Disability?" Form and give a copy to the ESW for the VIEW record.
- C. Explain the requirements of the VIEW Program and the related supportive services to all applicants/recipients at application and redetermination. Information should also cover the transitional child care, and transitional Transportation benefits available when the TANF case closes. All applicants and recipients, including non-parent caretakers in the assistance unit, who are not mandatory must be offered the opportunity to volunteer for the VIEW Program.
- D. Advise all applicants/recipients of the sanctions/penalties that apply for failing/refusing to participate in VIEW, without good cause. The VIEW worker will evaluate good cause.
- E. Refer those individuals who have been determined to be exempt from participation on the basis of incapacity to the appropriate state vocational rehabilitation agency using the Referral to Rehabilitative Services Form. The eligibility worker should provide available medical and other appropriate information with the referral.

- O. Send the Advance Notice of Proposed Action to the recipient at least sixty days prior to the case termination effective date when the 24-months time limit is to expire.
- P. Upon notification from the VIEW worker indicating that the VIEW participant is being placed in a Full Employment Program (FEP) placement, suspend the TANF payment per 901.14. The eligibility worker must conduct a prospective determination of eligibility in the last month of the FEP placement.
- Q. When closing a TANF case with a VIEW participant, determine VTP eligibility. Inform the ESW if the VTP is started or terminated in ADAPT.
- R. Close the VTP case when **it becomes known that** the client is no longer eligible **based on receipt of information from the client, receipt of an alert in ADAPT, or receipt of a communication form from the ESW.**
- S. Transfer the VTP case when a client moves to another locality in Virginia. Note: It is the responsibility of the receiving agency to determine if the client continues to meet all of the VTP eligibility requirements.

901.4 RESPONSIBILITIES OF THE VIEW WORKER - The VIEW worker must:

- A. Have the recipient sign the VIEW Agreement of Personal Responsibility as part of the initial assessment interview.

Note: Explain IPV (Intentional Program Violation) reporting requirements and penalties to the participant. Have the client sign the Notice of Intentional Program Violation Penalties. This form may be located on the local agency DSS Intranet site (www.localagency.dss.state.va.us). Give a copy to the client and place a copy in the VIEW record. See Section 102.* Obtain a copy of the "Do You Have a Disability?" form from the EW. If the EW failed to have the client complete the form, the ESW will complete the form with a client and give a copy to the EW for the TANF record.
- B. Enter the date that the recipient signs the VIEW Agreement of Personal Responsibility as the assessment date in ESPAS. By transmitting from the AECLOC screen, the ESW will start the participation counter in ESPAS that will track the 24-months of TANF eligibility. The ESW will maintain the 24 month clock in ESPAS.
- C. Advise the eligibility worker of the non-exempt recipient's refusal to sign the VIEW Agreement of Personal Responsibility, if applicable.
- D. Determine in which component(s) an individual must participate and whether he complies.
- E. Report to the eligibility worker, within three working days, any changes which financially impact the recipient, which have occurred in the VIEW activities of the TANF or TANF-UP recipient such as securing of employment or entering the Full Employment Program.
- F. Advise the eligibility worker that a case is to be sanctioned and the appropriate sanction period. The EW will send the ANPA (032-03-0307-01-eng) within three working days of receipt of the notification from the ESW.

unaccommodated disability which prevented compliance, the current sanction should be imposed as if the previous sanction had not occurred. For example, if this would have been the second sanction but the ESW determines that non-compliance with program requirements that resulted in the first sanction was the result of a disability, the second sanction will be treated as if it is the first sanction and the penalty for a first sanction will be applied.

- G. While a grant is suspended for a sanction period, the assistance unit members are considered TANF recipients for all other purposes. The time clock for VIEW participants continues during the sanction.
- H. The ESW will advise the eligibility worker of the date the individual began to comply. However, the sanction will not be removed until the sanction time frame elapses. If participation begins after the fixed period, the grant will be prorated for the month in which he begins to participate.
- I. A sanction is removed when the sanctioned individual becomes exempt after the minimum sanction period has elapsed. Once the exemption is verified, the sanction is to be removed effective the date the exemption change is reported. Late reporting of an exemption change does not constitute an underpayment.

Exception: When the ESW determines that the non-compliance with program requirements that resulted in the sanction was the direct result of a disability, the need to care for a household member with a disability, or barriers to employment related to limited English proficiency, the ESW will notify the EW, who will immediately lift the sanction, reinstate benefits, and enter the sanction exemption information into the computer system.

- J. Sanctions and Reapplication - If the sanction is in the fixed period when the case closes, the sanction resumes at approval at the point it left off when the case closed.

Example - The second VIEW sanction was imposed effective January 1, 2005. Customer requested that her TANF case be closed effective January 31, 2005. Customer reapplied for TANF in June 2005, and the application was approved July 12, 2005. The customer is VIEW mandatory. The second month of the fixed period resumes with July 2005.

If the TANF case closed during a sanction after the fixed period, the case is sanctioned at reapproval until the eligibility worker is notified by the ESW that the client has complied.

In both sanctions, the time clock for the twenty-four month time limit resumes at reapproval. **The client is still allowed the VIEW disregards when employed and in a sanction.**

When a sanctioned individual moves from one case to another, the sanction continues uninterrupted, unless the ESW determines that the non-compliance with program requirements that resulted in the sanction was the direct result of a disability, the need to care for a household member with a disability, or barriers to employment related to limited English proficiency.

Example - The second VIEW sanction was imposed effective January 1, 2005. **The client** requested that her TANF case be closed effective January 31, 2005. **She** reapplied for TANF in June 2005, and the application was approved July 12, 2005 **back to the June application date**. The client is VIEW mandatory. The second month of the fixed period resumes with **June 2005, the client's first month of assistance**. **Once the fixed period has ended and the client has complied with program requirements, the ESW will schedule the client for reassessment at which time a new APR will be signed.**

If the TANF case closed during a sanction after the fixed period, the case is sanctioned at reapproval until the eligibility worker is notified by the ESW that the client has complied. **Once the client has complied and the TANF case status has been changed to GV, the ESW will schedule the client for reassessment at which time a new APR will be signed.**

In both sanctions, the time clock for the twenty-four month time limit resumes at reapproval. **The client is still allowed the VIEW disregards when employed and in a sanction.**

When a sanctioned individual moves from one case to another, the sanction continues uninterrupted, unless the ESW determines that the non-compliance with program requirements that resulted in the sanction was the direct result of a disability, the need to care for a household member with a disability, or barriers to employment related to limited English proficiency.

I. VIEW Appeal Procedures - The following procedures must be followed at all appeals involving VIEW Sanctions:

1. A representative from the Employment Services Program Service Staff (VIEW) must be present during the pre-hearing conference and the appeal hearing.
2. The eligibility worker must notify the Employment Services Program staff of the date and time for the pre-hearing conference. The hearing officer will notify Employment Services Staff of the date and time of the appeal hearing.
3. The summary of facts must be prepared jointly by the Eligibility Staff and Employment Services Staff to ensure that both ESP eligibility and participation issues are stated in the summary.
4. If the appeal is filed timely and benefits continue pending the hearing decision, the sanction must be imposed as soon as administratively possible when the decision sustains agency action. There is no overpayment in this situation.

901.7 VIEW PAYMENT CALCULATION - To reward work, a VIEW participant may earn up to the assistance unit's federal poverty level (or up to 150% of the federal poverty in the case of TANF-UP households) and remain eligible for TANF for up to twenty-four months from the date that the initial Agreement of Personal Responsibility is signed.

- A. The VIEW payment calculation applies to the following:
1. Unsubsidized employment and,
 2. On the job training or subsidized training listed in [Chapter 1000](#), Section 7.C.4.
- B. This calculation does not apply to the following:
1. FEP Program in [Chapter 1000](#), Section 7.C.2, and
 2. Hardship cases (Section [901.9](#)).

The VIEW payment calculation differs from the grant calculation located in [Appendix 3](#) to 305.

An individual who is working when they sign the Agreement of Personal Responsibility is entitled to the VIEW earned income calculation the month following the month in which they sign the Agreement. If it is not administratively possible to impact that payment, a supplement must be issued.

For those VIEW participants who obtain unsubsidized employment during VIEW participation, the VIEW earned income calculation is to be used for grants effective the month following the month when employment begins. If it is not administratively possible to impact that payment, a supplement must be issued.

VIEW participants do not have earned income screened at 185% and the standard of assistance. They may receive the standard deduction from gross income and 20% of the remainder *, and child or adult care costs as disregards.

To calculate the VIEW payment (TANF grant), the eligibility worker must follow the steps in [Appendix 1](#) to this chapter. The TANF Match Payment is not considered in calculating the VIEW payment.

See Chapter 900, [Appendix 1](#) for the VIEW Grant Calculation, [Appendix 2](#), for VIEW Income Examples, and [Appendix 3](#) for the Federal Poverty Level table.

A TANF recipient who enters the VIEW program erroneously, i.e., the recipient did not report earnings that he received or expected to receive prior to entering VIEW that would have made the case ineligible for assistance using the 185% and standard of assistance income screenings, must have continuing eligibility determined by using 185% and standard of assistance screenings (see Section [305.1.A.](#)) If the case does not pass the 185% and standard of assistance screenings, the case must be closed as soon as administratively possible. If the case is eligible at the standard of assistance screening, the VIEW grant calculation is appropriate for the month following the month in which the earnings were reported to the agency. Overpayments should be calculated per 503.7.

Note: For a case that contains an individual who is a VIEW participant, the VIEW grant calculation applies to the total countable earnings of all required assistance unit members.

901.8 VEHICLE VALUE LIMIT - Repealed effective December 1, 2003.

* 22 VAC 40-295-60

In that same month, Joe's grandmother filed an application for TANF, for herself and Joe. The application for TANF is denied due to the fact that Joe was an assistance unit member during Ms. Smith's VIEW participation in which the period of eligibility had expired. Joe will remain ineligible for receipt of TANF until the entire 24-month period of ineligibility has expired.

Example #2: Ms. Smith, who is a TANF recipient with her sons Josh and Joe, began participating in the VIEW Program in March 1996. Josh moved out of Ms. Smith's home in June 1996 to move in with his aunt. The aunt applied for TANF, on Josh's behalf, in June 1996. The aunt's TANF application for Josh may be approved, if Josh is otherwise eligible, because Ms. Smith's TANF case was not in a period of ineligibility when Josh left.

NOTE: No member of the assistance unit in a period of ineligibility is eligible for the Diversionary Assistance Program. (See Chapter 800.)

EXCEPTIONS: (1) If the caretaker dies during the period of ineligibility, the children may receive TANF with another relative, if otherwise eligible. (2) A minor parent or child who turns 18 during the period of ineligibility may apply and receive TANF in her own right for herself and her child(ren), if otherwise eligible. (3) If it is determined that the caretaker became **totally** disabled during the period of ineligibility or became required to care for a disabled family member living in the household, and such a disability or situation prevents the individual from being self supporting, the caretaker and children in the family may receive TANF benefits without regard to the period of ineligibility. The worker must assist the parent in pursuing other benefits, as appropriate. (4) If a child is removed from the home of a parent as a result of a child protective services report or complaint during the period of ineligibility and is placed in the home of a relative, the relative may be eligible to receive assistance if otherwise eligible.

A Medical Evaluation (032-03-0654-03) completed by a medical professional will be used to verify the disability of the caretaker. **(The client's disability will be considered "total" if the medical indicates that she cannot work 10 hours a week or more).** The disability must be re-evaluated based on new verification at the end of the anticipated duration as noted on the medical statement or every 90 days whichever occurs first. If the medical form does not specify the duration of the medical condition, or is otherwise incomplete, the eligibility worker must contact the medical professional to obtain the missing information before acting on the medical. If the duration noted on the form is permanent, a new form must be obtained and the incapacity evaluated every 90 days.

When the caretaker is needed on a substantially continuous basis to care for a family member who is living in the household (the family member does not have to be included on the TANF grant), the family member must have a verified physical or mental disability and must have caretaking needs that prevent the caregiver from being self supporting. These caretaking needs include the need for attendance, supervision, and home care, and other needs related to the family member's disability. A medical professional must complete a Statement of Required Presence of Caregiver form (032-03-0020-00-eng) to verify the family member's condition, and the need for the caregiver to be available on a substantially continuous basis. If the disabled family member is out of the home for substantial portions of the day, then the TANF benefits will not be extended beyond the 24th month.

The EW will issue a supplemental payment through Benefit Adjustment using gross earnings information provided by the ESW and other countable income received in the month for which the supplement is issued. The amount of the payment is determined using the VIEW calculation. Use ADAPT Option 11 to create the payment. If an overpayment or penalty is in effect, the payment to the FEP participant must be reduced accordingly.

2. Both a TANF payment and monthly FEP stipend must be issued in the final month of the FEP period.

- E. **ISSUANCE OF EMPLOYER BONUS** - The VIEW worker will notify the eligibility worker on the Full Employment Program Communication Form (032-03-655) when a bonus payment must be issued. The bonus payment is a predetermined, fixed amount of \$500 payable to the employer. A bonus is paid if the participant is hired permanently at any time during the six-month placement period or within 30 calendar days after the placement has ended. The EW will issue the bonus payment through Benefit Adjustment. Only one bonus payment may be issued per VIEW participant per FEP placement.

The bonus cannot be issued in the same month a stipend has been issued. For example, if the final stipend payment is issued in October, the bonus payment cannot be issued until November.

- F. **TREATMENT OF CHILD SUPPORT PAYMENTS** - FEP participants must continue to redirect all support to the Division of Child Support Enforcement (DCSE) while in a FEP placement. DCSE will issue to FEP participants all child support payments they would otherwise be entitled to receive. This includes **\$100** disregard payments, and other support payments they would receive if they were receiving a TANF payment.
- G. **TANF MATCH PAYMENTS** - TANF Match Payments will continue to be issued based on current support paid to DCSE.
- H. **REPLACEMENT OF STIPEND OR BONUS CHECKS** - The FEP employer will contact the ESW if check replacement is necessary, and the ESW will notify the EW using the Full Employment Program Communication Form (032-03-655). If a stipend is reported as lost, stolen, or mutilated, follow procedures in Section [502.5.D](#) and [Appendix I](#) to Chapter 500 to stop payment.

The employer must complete the required three copies of the Affidavit on Check Endorsement. The employer will determine the appropriate person to complete and sign the affidavit. This is usually an employee in the accounting department with responsibility for endorsing checks received. If the employer endorses his checks with a stamp, the endorsement stamp should be stamped once on the signature section at the end of the affidavit.

ADAPT coding applicable to FEP check replacements is the same as for reissuing or replacing TANF or Diversionary Assistance checks. Once the worker is notified of a lost/stolen/mutilated/returned check, the worker must update the status of the check in Check Handling. If the check was cancelled or mutilated, the replacement check must be issued through TANF Benefit Adjustment. If a Stop Payment is placed against the check, the stipend must be reissued through Check Handling. Under no circumstances should a local check be written to replace the original check.

VIEW GRANT CALCULATION

Example 1 - Earnings

Assistance unit of 2 in a Group II locality. Mom receives a TANF Match Payment of \$135 and earns \$450 gross monthly. The monthly Federal Poverty Level for an assistance unit of 2 is **\$1,167**.

Step (1) - Screening at Federal Poverty Level

\$ 450.00 Gross Monthly Earnings <
\$1,167.00 Monthly Federal Poverty Level for 2

Step (2) - Unearned Income

\$254.00 Standard of Assistance for 2
0 Unearned Income
\$254.00 TANF Deficit

The TANF Match Payment does not impact the TANF deficit.

Step (3) - Earned Income Disregards

\$450.00 Gross Monthly Earnings
-134.00 Standard Deduction
\$316.00 x 20% = 63.20
- 63.20
\$252.80 Net Earned Income

Step (4) - Add Net Earned Income and TANF Deficit

\$252.80 Net Earned Income
+254.00 TANF Deficit
\$506.80 < Federal Poverty Level

\$254.00 = VIEW Payment (TANF Grant)

Example 2 - Earned and Unearned Income

Assistance unit of 2 in a Group II locality. Mom earns \$300 gross monthly and the assistance unit also received \$120 unearned income monthly.

Step (1) - Screening at Federal Poverty Level

\$ 300.00 Gross Monthly Earnings <
\$1,167.00 Month Federal Poverty Level for 2

Step (2) - Unearned Income

 \$254.00 Standard of Assistance for 2
 -120.00 Unearned Income
 \$134.00 TANF Deficit

Step (3) - Earned Income Disregards

 \$300.00 Gross Monthly Earnings
 -134.00 Standard Deduction
 \$166.00 x 20% = 33.20
 - 33.20
 \$132.80 Net Earned Income

Step (4) - Add Net Earned Income and TANF Deficit

 \$132.80 Net Earned Income
 +134.00 TANF Deficit
 \$266.80 < Federal Poverty Level

 \$134.00 = VIEW Payment (TANF Grant)

Example 3 - Earnings Result in Ineligibility

Assistance unit of 4 in a Group III locality. Mom earns \$1,895 monthly gross income. The monthly Federal Poverty Level for an assistance unit of 4 is **\$1,767**.

Step (1) - Screening at Federal Poverty Level

 \$1,895.00 Gross Monthly Earnings >
 \$1,767.00 Monthly Federal Poverty Level for 4

 Ineligible.

Example 4 - Maximum Reimbursable

Assistance unit of 6 in a Group I locality. Mom earns \$450 gross monthly income. The monthly Federal Poverty Level for an assistance unit of 6 is **\$2,367.00**.

Step (1) - Screening at Federal Poverty Level

\$ 450.00 Gross Monthly Earnings <
\$2,367.00 Monthly Federal Poverty Level for 6

Step (2) - Unearned Income

\$470.00 Standard of Assistance for 6
- 0 Unearned Income
\$470.00 TANF Deficit

\$443.00 Maximum Reimbursable Amount

Step (3) - Earned Income Disregards

\$450.00 Gross Monthly Earnings
-191.00 Standard Work Deduction
\$259.00 x 20% = 51.80
- 51.80
\$207.20 Net Earned Income

Step (4) - Add Net Earned Income and TANF Deficit

\$207.20 Net Earned Income
+443.00 Maximum Reimbursable TANF Deficit
\$650.20 < Federal Poverty Level

\$443.00 = VIEW Payment (TANF Grant)

Example 5 - Earned Income Case with Immunization Penalty

Assistance unit of 2 in a Group III locality. Mom earns \$960 gross monthly income. One member of the AU receives \$60 SSA monthly. The monthly Federal Poverty Level for an assistance unit of 2 is **\$1,167**. There is a \$50 immunization penalty.

Step (1) - Screening at Federal Poverty Level

\$ 960.00 Gross Monthly Earnings <
\$1,167.00 Monthly Federal Poverty Level for 2

Step (2) - Unearned Income

\$323.00 Standard of Assistance for 2
- 60.00 Unearned Income
\$263.00 TANF Deficit

Step (3) - Earned Income Disregards

\$960.00 Gross Monthly Earnings
-134.00 Standard Deduction
\$826.00 x 20% =165.20

Step (4) - Deduct 20% from \$826.00

\$826.00
-165.20
\$660.80 Net Earned Income

Step (5) Add Net Earned Income and TANF Deficit

\$660.80 Net Earned Income
+263.00 TANF Deficit
\$923.80 < Federal Poverty Level

Reduce TANF Deficit:

\$1,167.00 Federal Poverty Level
- 923.80 Net Earned Income + TANF Deficit
\$ 243.20 VIEW Payment (TANF Grant)

Step (6) - Apply Immunization Penalty

\$243.20 VIEW Payment
- 50.00 Immunization Penalty
\$193.20 Net VIEW Deficit

\$193.00 = VIEW Payment (TANF Grant)

Example 5 - TANF-UP Household

Assistance unit of 4 in a Group II locality. Dad earns \$1500 gross income. One-hundred fifty percent of the monthly federal poverty level for an assistance unit of 4 is **\$2,650**.

Step (1) Screening at 150% of the Federal Poverty Level
\$1,500.00 Gross Monthly Earnings <
\$2,650.00 150% of the Federal Poverty Level

Step (2) Unearned Income
\$ 382.00 Standard of Assistance for 4
\$ 0.00 Unearned Income
\$ 382.00 TANF Deficit

Step (3) Earned Income Disregards
\$1500.00 Gross Monthly Earnings
- 143.00 Standard Deduction
\$1357.00 x 20% = \$271.40
-271.40
\$1085.60 Net Earned Income

Step (4) Add Net Earned and TANF Deficit
\$1085.60
+ 382.00
\$1467.60 < 150% of the Federal Poverty Level

\$ 382 = VIEW Payment (TANF Grant)

2008 FEDERAL POVERTY LEVEL

<u>Size of Family Unit</u>	<u>Monthly Poverty Guideline</u>
1.....	\$ 867.00
2.....	\$1,167.00
3.....	\$1,467.00
4.....	\$1,767.00
5.....	\$2,067.00
6.....	\$2,367.00
7.....	\$2,667.00
8.....	\$2,967.00

For each additional person add \$300

150% of the Federal Poverty Level
(for TANF-UP Families)

<u>Size of Family Unit</u>	<u>150% of the Federal Poverty Level</u>
1.....	\$1,300.00
2.....	\$1,750.00
3.....	\$2,200.00
4.....	\$2,650.00
5.....	\$3,100.00
6.....	\$3,550.00
7.....	\$4,000.00
8.....	\$4,450.00

For each additional person add \$450

- (1) The number of families receiving TANF assistance that include an individual who is engaged in a work activity for the appropriate number of hours for the month (i.e., the numerator), divided by,
- (2) all families receiving TANF assistance or the VIEW Transitional Payment minus:
 - a) cases with a child under age one; and
 - b) cases which do not include an adult receiving assistance unless such a person is a parent (payee cases);
 - c) cases in which the only adult(s) **receives SSI or SSDI**;
 - d) cases in which the only adult(s) is ineligible to receive assistance due to her immigration status;
 - e) cases in which a parent is providing care for a disabled family member living in the home who does not attend school on a full-time basis, provided that the need for such care is supported by medical documentation.

Cases subject to a VIEW sanction are not included because they are not receiving assistance.

Example:

Numerator:	10,000	cases engaged in work activities with sufficient hours
Denominator:	35,000	total cases receiving assistance
	- 9,000	9,000 payee cases
	- 1,500	1,500 SSI cases
	- 500	500 SSDI cases
	- 2,500	2,500 cases with a child under age one
	- 1,000	1,000 cases with ineligible aliens
	- <u>500</u>	500 cases with a parent caring for a disabled household member
Adjusted Denominator:	20,000	

Federal Work Participation Rate $10,000 / 20,000 = 50\%$

D. Computation of the Federal Two-Parent Work Participation Rate

The two-parent participation rate for a fiscal year is the average of the state's two-parent participation rates for each month in the fiscal year. The two-parent work participation rate is computed as follows:

- (1) The number of two-parent families receiving TANF assistance that include an adult or minor child head-of-household divided by,
- (2) The number of two-parent families receiving TANF assistance during the month.

If a family includes a disabled parent, the family is not considered to be a two-parent family.

E. Countable Work Activities for the Federal Work Participation Rate

- (1) The countable work activities are:
 - Unsubsidized employment;
 - Subsidized private-sector employment (FEP);
 - Community work experience (CWEP);
 - On-the-job training (OJT);
 - Job search and job readiness;
 - Public Service Program;

Example 2: Ms. B starts receiving assistance on January 15 and is referred to VIEW. For January, she is included in the denominator, but does not count toward the work participation rate because she is not engaged in any activities.

On February 13, Ms. B is assessed and assigned to job search. She participates in job search for 36 hours per week for the remainder of February. Her two weeks of job search in February are not enough to make her countable toward the work participation rate in February.

She continues her job search through March 14. Her job search ends and she is assigned to community work experience starting on April 1. Due to the gap in participation between 3/14 and 4/1, she does not count toward the work participation rate in March because she did not average 30 hours per week.

Example 3: Ms. C participates in unsubsidized employment of 20 hours per week and 15 hours per week in vocational education and training for the entire month. She counts toward the work participation rate because she had participation for at least 30 hours per week.

Example 4: Ms. D participates in CWEP for 18 hours per week and GED for 17 hours per week. Though she participated in activities averaging at least 30 hours per week, she did not have at least 20 hours per week in a core work activity. She does not count toward the work participation rate.

F. Limitations/Special Provisions

- Vocational education and training may only count for a total of 12 months for any individual. This is a lifetime limit.
- In counting individuals for each participation rate, not more than 30 percent of individuals engaged in work in a month may be included in the numerator because they are:
 - Participating in vocational educational training; or
 - Individuals deemed to be engaged in work by participating in educational activities.
- Hours spent in post-secondary education not directly related to employment do not count toward the work participation rate.
- An individual's participation in job search and job readiness assistance counts for a maximum of six weeks in any federal fiscal year (October 1 through September 30). At any time, only four weeks of job readiness/job search may be consecutive.

G. Data Reporting

Data from ADAPT and ESPAS is sent to the federal government on a quarterly basis. It is very important that all information in ADAPT and ESPAS is accurate and entered in a timely manner. Actual hours of participation are to be entered into ESPAS. States are required to provide data on a quarterly basis. This data is used to compute federal work participation rates as well as to determine Virginia's compliance with other federal requirements. To meet the federal deadline for reporting, data will be extracted from the system on the first day of the second month following the end of a calendar quarter.

To make sure that the locality and state get credit for all of the cases that are engaged in work activities and to avoid the possibility of a sanction, it is imperative that work participation data is accurately entered into ESPAS by the 15th of the following month. Virginia will not receive credit for the cases that do not have current work participation rate data entered into ESPAS.

Actual hours of participation must be entered in the system and must be supported by documentation in the case file. With the exception of unsubsidized employment and OJT, the hours entered into the system on a monthly basis must be verified each month. Self-reporting by a participant is not sufficient documentation.

For unsubsidized employment and OJT, the ESW may enter projected actual hours of participation for up to six months based on current, documented actual hours of work. Verification of employment may be obtained from the EW, but a copy of the verification must be retained in the VIEW record. After six months, or at any point the ESW becomes aware that the hours of employment have changed, the actual hours of participation in unsubsidized employment or OJT must be verified. After the changed employment hours are verified, projected hours of participation should again be entered for up to six months.

Actual hours are defined separately for paid employment, including OJT positions, and for unpaid activities.

Employment and OJT: Actual hours for participants who are employed or in OJT mean hours of paid employment, including paid vacations, paid sick leave, and paid holidays observed by the business.

Job Readiness, Group Job Search, CWEP, PSP, Vocational Education and Training, Job Skills Training, Education below Post-Secondary: Actual hours for participants in unpaid activities, with the exception of individual job search, are actual hours of participation, and hours during which the client would have participated but was unable to because the placement was not available due to holiday closure. Based on federal requirements, only the following ten holidays can be included in the calculation of actual hours of participation for participants in unpaid activities: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day and the day after, and Christmas Day. Closures for other holidays, or closures by educational or training institutions for quarter or semester breaks during which the placement is not available to the participant cannot be considered as holiday closures.

During the period 10/1/08 to 9/30/09, an additional 80 hours of excused absences may be counted **toward participation** for clients in unpaid activities **beginning the month after the client signs the APR**. No more than **16 hours of** excused absences may be approved in any month. In order for the excused absence to be considered as actual hours of participation, the client must have been scheduled to participate in the activity for that time period. The decision to consider an absence as excused and to include it in determining actual hours of participation will be made by the local agency within the limitations described above.

Excused absences that may be counted as actual hours of participation include:

- court dates
- appointments with CPS or Division of Child Support Enforcement (DCSE) which cannot be scheduled outside participation hours
- unavailability of the scheduled activity due to strike, lockout, or shutdown
- unavailability of the scheduled placement site due to closures for holidays not included in the list of the ten holidays specified by federal requirements
- unavailability of the scheduled placement site due to closures due to weather or natural disasters
- illness or medical need of the participant or family member residing in the home
- interruptions in child care arrangements
- domestic violence issues
- transportation problems or auto accident
- funeral or death of a family member

Example 1: Ms. A is scheduled to participate in community work experience for 6 hours each day, Monday through Friday. She is placed in the local school library. The library was closed on Christmas Day and the day after Christmas. Christmas day is one of the ten holidays that can be included in the calculation of actual hours. The day after Christmas cannot be counted as a holiday. Since Ms. A has only one previous excused absence for **4 hours in December, and since her excused absences total only 30 hours** since her first component assignment in June, the **6 hours for the day after Christmas when the placement site was not available** can be included in the calculation of actual hours as an excused absence.

Example 2: **Ms. B is participating in CNA classes that meet 6 hours each day.** Ms. B's grandfather passed away in New York on May 26th, a Friday. Ms. B left for New York that weekend, and missed the entire next week - May 29th, May 30th, May 31st, June 1st, and June 2nd – **a total of 30 hours**. Since she had not had any previous absences from the program in May, **16 of the 18 hours she missed on 5/29, 5/30, and 5/31** can be counted as excused absences. Both June absences, **6/1 and 6/2, totaling 12 hours**, can be counted as excused and counted as actual participation.

Example 3: **Continuing with example 2**, Ms. B had to return to New York the last week in June to help with her grandfather's estate. She attended class on Monday and Tuesday, the 26th and 27th, but was absent on the 28th, 29th, and 30th, **a total of 18 hours**. Since she had used **12 hours of excused absences** for the month of June when she went to New York the first time, **only 4 hours of the 18 hours from her second visit to New York can be counted as an excused absence**.

Example 4: Mrs. C was working at the Guy Noir Detective Agency. She earns 6 days of paid sick leave a year, but had used them by November when she was out of work for a week with the flu. Since she had already used all her leave, she was not paid for those five days, **totaling 40 hours**, even though her boss sympathized with her situation. None of **the 40 hours** can count as actual hours of participation. (Only hours of paid employment, including paid vacations, paid sick leave, and paid holidays can count as actual hours for clients who are working or are in OJT).

Unpaid activities - individual job search: It is the responsibility of the participant to record actual hours for each job contact listed on the Job Search form. **Actual hours include travel time between interviews. Actual hours do not include travel time to the first interview or from the last interview.** Questionable contact information will be verified by the agency with the employer. **If travel time incorporated into actual hours reported appears questionable, verify through use of MapQuest or similar site.** Only actual hours reported (and verified, if questionable) can be counted in determining participation.

Since individual job search does not have to be conducted within a fixed daily schedule, and can be scheduled around holidays and other appointments, holiday closures and excused absences cannot be considered in determining actual hours of participation.

Case Record Documentation: The case record must be thoroughly documented using the **Holidays and Excused Absences for Participants in Unpaid Activities** form (032-03-0106-00) whenever holidays or excused absences are counted as actual hours of participation for unpaid activities.

- a. All VIEW participants must be offered screening for learning disabilities, mental health disabilities, and alcohol and substance abuse within 90 days of signing the APR. Examples of valid screening tools can be found in “Screening for Employment Barriers: Issues and Tools” at [Appendix G](#).
 - b. Participants whose screenings indicate the possible presence of a disability will, with the client’s agreement, be referred for an in-depth evaluation.
 - c. All individuals, including those who choose not to be screened, and those who have been screened and referred for an in-depth evaluation, will be assigned to an appropriate program activity based on the initial assessment.
 - d. If the in-depth evaluation indicates the existence of a disability, treatments and/or services to address the disability will be made part of the client’s required program assignments and will be recorded on the [Activity and Service Plan](#).
6. An evaluation of other issues that may clearly affect program participation or employment. **Such issues may include verified barriers to employment.**

Verified barriers to employment include mental and physical disabilities, learning disabilities, substance abuse and domestic violence. Barrier codes are entered into ESPAS after verification of the barrier by another agency or professional qualified to identify the specific barrier. Verification may be provided by agencies such as domestic violence shelters or substance treatment programs, as well as by professionals qualified to assess learning disabilities, health or mental health conditions. In all cases in which the worker receives documented confirmation of the condition or situation from the referral source, the worker will enter the appropriate code or codes:

- 01 – Learning Disability**
- 02 – Domestic Violence**
- 03 – Mental Health**
- 04 – Physical Disability**
- 05 – Substance Abuse**

Note: The barrier codes are used to record a client’s verified barrier(s) and are considered in making program assignments. They are not the basis on which hours of participation can be reduced except in the case of domestic violence when the specific VIEW assignment is identified as putting the family’s safety in jeopardy. All other reductions in the hours of participation must be based on a Medical Evaluation signed by a medical professional. (See 901.2C)

7. An explanation to the client of the following:
- a. program goals and philosophy
 - b. program requirements, including an explanation of the responsibilities and expectations of participants in the VIEW program

- c. the right to disclose a disability to the agency, and the benefits of doing so
 - d. role of the [Agreement of Personal Responsibility](#) in describing the mutual responsibilities of the client, worker, and agency
 - e. the consequences of not signing the Agreement of Personal Responsibility
 - f. the beginning of the two-year limitation on the receipt of TANF benefits which begins the month after the month the Agreement of Personal Responsibility is signed
 - g. the requirement to be involved in work activities throughout the two-year period of VIEW participation
 - h. the benefits of immediate employment (eligibility for the enhanced disregard, increase in skill level, employability, and income)
 - i. the benefits of “banking” months in order to save TANF eligibility
 - j. penalties for failure to comply with program requirements including sanctions and consequences for hardship exception requests
 - k. good cause reasons for not complying with program requirements
 - l. Intentional Program Violations (IPV) reporting requirements and penalties
 - m. the requirement to respond to all agency correspondence
 - n. the name and phone number of the ESW and/or other agency contact
 - o. the availability of the VIEW Transitional Payment (VTP) as an incentive for retaining employment
8. Signing the Agreement of Personal Responsibility (APR)
9. Following the interview, the ESW will assign the client to the appropriate program activity. The Activity and Service Plan (032-02-0302-05) will be used to record this information.

1000.9 – VIEW AGREEMENT OF PERSONAL RESPONSIBILITY

- A. The [Agreement of Personal Responsibility](#) (032-03-0310) outlines the participant's responsibility:
1. to seek employment to support her own family;
 2. to participate in assignments made by the ESW;
 3. to notify the ESW of any change in circumstances which would impact the participant's ability to satisfactorily participate in the program;
 4. to accept a job offer. Refusal to accept a bona fide job offer will result in a full household sanction;
 5. to arrange and find transportation and child care. The ESW will assist the participant when the participant has tried but has been unable to find transportation and child care.

Additionally, it provides notification to the client of the two year time period for receipt of TANF benefits, and the enhanced disregards available to the participant if unsubsidized employment is obtained.

- B. The participant and the ESW will sign a new Agreement of Personal Responsibility (APR) at the time of the initial assessment and each subsequent referral following approval of a TANF reapplication, upon re-referral following a period in which the individual was exempt, **or after a sanction has been cured and the TANF case approved at reapplication**. If the client refuses to sign the APR at the initial assessment, the worker must sign it and date it. The worker must note on the APR that the client refused to sign. The worker must also document the case record that the client refused to sign.

Examples of when a new APR must be signed:

Example 1: At each reapplication for TANF.

Client is approved for TANF effective 08/11/07 and is mandatory for VIEW participation. Client signs the APR 09/03/07 and remains on TANF as a VIEW participant until 03/31/08 when the TANF case is closed. Client reapplies for TANF and is approved effective 06/01/08. Client is again mandated to participate in VIEW and is referred using a VA code. Client must sign a new APR. Failure to sign the APR will result in case closure.

Example 2: In a TANF UP household, each time one of the parents is referred.

TANF-UP case is approved effective 09/01/07 and the dad is mandatory for VIEW. The mom is exempt based on caring for a child under 12 months old. The dad signs the APR on 09/15/07 and eligibility continues. The child turns 12 months old on 12/23/07, and mom is referred to VIEW. She is required to sign an APR, but refuses. The TANF case will close.

Example 3: In an ongoing case, each time an individual cycles in and out of the VIEW program due to exemptions.

TANF is approved effective 03/01/07; client is mandatory for VIEW. The client signs the APR on 03/11/07. Client provides a medical on 06/04/07. (Medical exempts the client for 06/04/07 – 09/04/07). The EW will code the client as a V5 on AEGNFS and the ESW will close the ESPAS enrollment with a closure code of 02.

Client is released to return to work on 09/05/07 and is again referred to VIEW (using a “VA” code). Client must sign a new APR. If she refuses, the TANF case will close.

Example 4: When **the** TANF case is closed due to the client’s failure/refusal to sign APR, the client must sign a new APR as a condition of eligibility at reapplication for TANF.

TANF is approved effective 12/15/07. Client fails, without good cause, to appear for the initial assessment on 12/24/07. The TANF case is closed effective 01/31/08.

Client reapplies 05/14/08, and does not meet a VIEW exemption. (If the client is exempt at reapplication, she is not required to sign the APR as a condition of eligibility.) She must sign a new APR prior to case approval. If the client fails to sign the APR, the TANF application will be denied. If the client signs the APR then fails to attend the initial assessment interview after TANF case approval, she (and the TANF case) will be sanctioned.

Example 5: After reapplication for TANF when the client has served the minimum fixed period and completed an act of compliance to cure the sanction.

Client is sanctioned for 5/1/08 – 7/31/08. Client requests closure of the TANF case on 8/15/08. TANF case closed effective 8/31/08 with sanction still in place as client has not completed an act of compliance.

Client reapplies 10/10/08. EW advises client to contact ESW to cure sanction. Client contacts the ESW on 10/10/08 and completes an act of compliance. ESW advises EW to lift sanction effective 10/10/08. After the TANF case is approved, the ESW will schedule a reassessment appointment with the client to sign a new APR and assign the client to VIEW activities. The EW will enter the new APR date on the AEGNFS screen and run ED/BC.

- C. If the participant chooses not to sign the Agreement or fails to keep the initial assessment appointment at which the APR is to be signed, the agency will take action to terminate the participant’s TANF grant. If a TANF-UP participant chooses not to sign the Agreement, the entire household will have its TANF benefits terminated regardless of whether another eligible TANF-UP participant is in the household.
- D. If the Agreement was signed as a condition of TANF eligibility, the household will be sanctioned rather than terminated for missing the initial assessment appointment.
- E. An individual who has refused to sign the Agreement of Personal Responsibility and has had her case closed must sign the APR prior to approval of the TANF application as a condition of eligibility. The signed APR may be obtained by either the EW or the ESW. (Note: This is the only instance in which the EW may obtain the signed APR). Local agencies should develop a procedure by which the APR is signed as quickly as possible to ensure that the processing of the TANF application will not be delayed. The failure of the client to sign the APR in these circumstances will result in the denial of the application.

In these situations, the queue or start date entered in ESPAS will be the TANF approval date rather than the date the APR was signed. However, the two-year clock will begin the first of the following month after the APR was signed. The eligibility worker will adjust the clock accordingly upon TANF approval.

1000.13 - PROGRAM COMPONENTS - CORE WORK ACTIVITIES

VIEW program components include the following core work activities – job search, job readiness, unsubsidized employment, subsidized employment (FEP), the community work experience program (CWEP), the public service program (PSP), on-the-job training (OJT), and vocational education and training.

All program components must be monitored monthly for attendance of scheduled hours. In addition, education and training activities must be monitored for satisfactory progress at periodic intervals.

A. JOB SEARCH

Job Search is a structured activity carried out over a defined time period during which the participant must spend a specified number of hours in job search activities. Job search and job readiness may be assigned as appropriate and recorded in ESPAS, but the combined hours of job search and job readiness assignments will count toward the work participation rate for no more than **180 hours in a 12-month period. Hours assigned to job search/job readiness can be counted toward the work participation rate for four consecutive weeks. Additional hours of job search/job readiness may be assigned, but no hours will be counted toward participation unless there has been an intervening time period of at least one week after each 4 consecutive week assignment.**

For federal reporting purposes, when a participant successfully completes a 4-week job search and is counted in the participation rate for that month, 120 hours of the total 180 hours available for job search/job readiness for the period 10/1/08 to 9/30/09 are considered to have been used. The client also has used up 4 consecutive weeks of job search and cannot be assigned again until at least one week has passed. After that time, assignments to additional hours/weeks of job readiness and/or job search can be made in conjunction with other program activities in order to meet both the core work activity and the 35 hour overall participation requirement, but no more than the remaining 60 hours can be counted toward participation through 9/30/09.

Assignments to **hours of job search/job readiness beyond those associated with the initial job search year (180 hours of job search/job readiness total)** should be made in conjunction with other program activities so that both the core work activity requirement and the 35 hour overall participation requirement are met.

NOTE: Federal requirements limit countable hours of job search/job readiness for participants with a child under 6 to 120 hours. A successful 4-week job search will use up 80 of the total 120 hours available for the period 10/1/08 to 9/30/09 as well as 4 consecutive weeks of job search/job readiness. No more than the remaining 40 hours can be counted toward participation through 9/30/08.

1. Overview

- a. The maximum and minimum number of hours that will be assigned for job search must be included in the local agency's VIEW Annual Plan. A maximum of 40 hours can be assigned each week. The limits set may be changed as deemed necessary by the agency. Changes made to the Plan must be sent to the TANF/VIEW Field Consultant prior to the date the changes become effective. See [1000.3](#), VIEW Annual Plan.

- b. The number of hours for participant job search required must be determined on an individual basis and must be within the range established by each local department of social services. Both the agency range and the number of required hours set on an individual basis should be determined based upon criteria such as other work or training activities in which the participant is involved, barriers such as language or disability of the participant or family household member, other barriers including employment conditions within the locality, and availability of transportation or child care.
 - c. If a participant is unable to meet the minimum number of job search hours listed in the VIEW Annual Plan as a result of a verified disability of the participant or family household member for whom the participant is responsible, the number of job search hours required for that individual must be reduced below the minimum number listed on the Annual Plan as a reasonable accommodation.
 - d. For the purpose of discussing progress of the job search, and ensuring that the contacts made are reflective of the participant's job skills, weekly or bi-weekly contact between the participant and the ESW is recommended.
 - e. Local departments must work with public and private providers of job development/job placement services, including the VEC, the Workforce Investment Board (WIB), and the local Department of Economic Development to facilitate job development and job placement.
 - f. When there is a refugee resettlement agency in the locality available to work with refugees, all work requirements for refugees required to participate in VIEW should be coordinated with that agency (or designated service provider). The resettlement agency, while maintaining communication with the local agency, must take the lead in assisting the refugee in the pursuit of self-sufficiency. The local agency case record must contain a Comprehensive Resettlement Plan (CRP) developed by the resettlement agency. Contracts between the Office of Newcomers Service and Refugee Resettlement Service Providers mandate these services. Verification of participation must be provided by the refugee resettlement agency.
2. Outcome of the Job Search
- a. A participant must accept a bona fide offer of employment. Participants who refuse to accept a bona fide offer of employment will be sanctioned.
 - b. If the participant finds full-time employment paying at least minimum wage, the job search will terminate.
 - c. If the participant finds part-time employment paying at least minimum wage, the ESW may decide whether to terminate the job search or require the individual to continue looking for full-time employment. The participant will be required to fully participate in other work activities designed to assist her in obtaining full-time employment.

3. Assignment to Job Search

- a. Participants who are not employed full-time and earning at least minimum wage at the time the Agreement of Personal Responsibility is signed, including participants who are self-employed, must be placed into job search. The length of the initial job search assignment will depend on the type of job search and the point in the month at which the assignment is made. See [1000.4](#), VIEW Program Flow.
- b. The ESW may waive the up-front job search for an individual who has previously participated in VIEW during her current 2-year period of TANF eligibility and place the individual into another component activity designed to lead to employment.
- c. The up-front job search for a participant already enrolled in a self-initiated education training program may be waived if:

or

- (1) the participant has been enrolled in the education or training for at least one grading period; and
- (2) the participant is satisfactorily enrolled and is meeting all requirements of the activity as defined in this chapter, and
- (3) the education or training is related to a specific employment and/or occupation; and
- (4) the participant can complete the education or training within one year (12 months).

The exceptions outlined in b. and c. above do not remove the requirement that a client fully participate in VIEW. It does allow the ESW flexibility to modify the job search requirement in order for the participant in self-initiated employment or training to find employment which will meet the work requirement.

- d. A participant who has not found full-time employment paying at least minimum wage 60 days prior to the end of her 24-month TANF time limitation must be placed in a job search component in conjunction with any other program assignment. This assignment will continue until the participant leaves TANF at the end of the two-year time period.

4) Elements of the Job Search Component

When developing the Job Search assignment, the worker must incorporate the following elements based on the participant's needs:

- a) techniques to help the participant identify good work attitudes, strengths and job skills/transferable skills.

- b) job seeking skills to train the participant to successfully seek and obtain appropriate employment. This instruction/ guidance will enable participants to market themselves in a job interview and on the job. Subjects include, but are not limited to, development of job leads, job interviewing techniques, discussion of local labor market information, employer expectations, and accurate completion of applications.
 - c) activities and opportunities for the participant to build self-esteem. A group setting is one of the best ways to build self-esteem. Brief periodic meetings may be held to allow the group members an opportunity to report progress, discuss problems and receive specific help with job search techniques.
 - d) use of the telephone as a primary employer contact to develop job leads and obtain interviews. Developing and writing a good phone script and practicing employer contacts will be an effective aid for the participant in the job search.
- 5) Employer Contacts
- a) The participant has the responsibility to submit enough applications/resumes and participate in enough job interviews to meet the hourly job search assignment. **(NOTE: travel time between interviews, but not to the first interview or from the last interview, can be included in determining hours of job search).** The ESW provides support and direction in these areas throughout the job search assignment. If, however, the individual has a verified disability or language barrier that limits the ability to arrange for the required number of job search hours, the ESW must assist the individual in arranging for the needed contacts, reduce the number of job search hours required, or both.

b) Job Club

- (1) Job Club is a tightly-structured, intensive program including instruction in job search methods, extensive use of the telephone to obtain job leads and interviews, peer support, direct monitoring of participant activities, and self-placement through job search.
- (2) The participant in Job Club is bound by the participation requirements of the activity. The number of weeks and job search hours required of a participant in Job Club cannot be less than the requirements of individual job search.

c) Individual Job Search

Individual job search is independent job search carried out by the participant. For individual job search to be successful, it is necessary for the ESW to assist the participant in understanding the elements of a successful job search. At a minimum, the ESW should assist the client in developing a resume, in learning how to accurately complete a job application, and in utilizing proven job seeking methods and interview techniques.

B. JOB READINESS

The purpose of job readiness training is to prepare the participant for employment or program component participation so that she can be competitive and succeed in the labor market. Job readiness training may be offered before, in conjunction with or after the job search assignment. Unsupervised study or homework assignments cannot be counted as hours of job readiness. While assignment to job readiness and/or job search should be based on the needs of the client, the combined hours of job search and job readiness assignments will count toward the work participation rate for no more than 4 consecutive weeks. **Additional hours of job search/job readiness may be assigned, but no hours will be counted toward participation unless there has been an intervening time period of at least one week after each 4 consecutive week assignment. Additionally, no more than 180 hours of job search/job readiness can be counted toward participation in each 12-month period.** Assignments to additional **hours/weeks** of job readiness and/or job search **beyond the initial assignment** should be made in conjunction with other program activities so that both the core work activity requirement and the 35 hour overall participation requirement are met. Note: The assignment to the additional **hours/weeks** of job search and/or job readiness should be made **only after at least one week has elapsed since** the participant completed 4 consecutive weeks of job search and/or job readiness.

job

For federal reporting purposes, each time a participant successfully completes the initial 4-week job search/job readiness activity and is counted in the participation rate for that month, 120 hours of the total 180 hours available for job search/job readiness for the period 10/1/08 to 9/30/09 are considered to have been used. The client also has used up 4 consecutive weeks of search and cannot be assigned again until at least one week has passed. After that time, the client can be assigned to job readiness/job search as needed to facilitate her participation in the program, but no more than the remaining 60 hours can be counted toward participation through 9/30/09.

NOTE: Federal requirements limit countable hours of job search/job readiness for participants with a child under 6 to 120 hours. A successful 4-week job search will use up 80 of the total 120 hours available for the period 10/1/08 to 9/30/09 as well as 4 consecutive weeks of job search/job readiness. No more than the remaining 40 hours can be counted toward participation through 9/30/08.

- 1) Job readiness training includes activities to assist the participant in program participation by helping her recognize and overcome personal and family problems which may be a barrier to accomplishing her employment and training goals. Job readiness activities also prepare the participant for work by assuring that she is familiar with general work place expectations, work behaviors, and attitudes necessary to compete successfully in the labor market. Job readiness should also address the economic benefits of going to work. These include wages above the TANF grant, the enhanced earned income and savings disregards, and the Federal Earned Income Tax Credit.
- 2) Job readiness topics may include, but are not limited to, communication skills, life skills, motivational training, problem solving, assertiveness, nutrition, money management, time management training and other activities that enhance specific work place expectations and behaviors. Job readiness may also include short-term substance abuse treatment, mental health treatment or rehabilitative activities.

If the participant states she has been self-employed for a year or more, a copy of the previous year's income tax return will suffice to show that the participant is engaged in a legitimate business. If the tax return is provided and the worker is satisfied with the documentation, the up-front job search can be waived if the participant is engaged in self-employment for 30 or more countable hours of self-employment per week.

- c. For self-employment to be a countable activity for VIEW, the participant must be paid at least minimum wage. Countable weekly hours are actual hours worked, or hours computed as follows, whichever is less:

Determine the monthly net income by subtracting the monthly business expenses from the monthly gross income. Note: The eligibility record should contain documentation of gross income and business expenses.

Divide the monthly net income by **the minimum wage**.

Divide this figure by **4.3 and round the result down to the next whole number**. Compare the computed hours to those that are verified as actual hours of participation. The countable hours are the actual hours worked (if verified by a source other than the client), or the hours computed above, whichever is less. If the countable hours are less than 30, the client must be assigned to other activities.

Example: Ms. A is self-employed as a nail technician. She provides a signed statement from the property owner verifying that the business is in operation 40 hours per week. Her gross income is \$500 for the month and she has business expenses of \$340 per month.

\$ 500	– gross income
<u>- 340</u>	– business expenses
\$ 160	– net monthly income
<u>÷ 6.55</u>	– minimum wage
\$ 24.43	
<u>÷ 4.3</u>	
5.68	– hours per week =
5.0	– hours per week rounded down

Only 5 hours per week are countable. Ms. A must be assigned to an additional 30 hours per week in other activities (with at least 15 of the additional hours in another core work activity) so that her total countable hours equal 35.

4. Employment and the TANF Earned Income Enhanced Disregard

- a. A participant who is employed in an unsubsidized job at the time she signs the Agreement of Personal Responsibility at the initial VIEW assessment will receive the TANF enhanced earned income disregards the following month. Enhanced disregards allow a participant to remain eligible for TANF benefits as long as the participant's total household income does not exceed 100% of the federal poverty limit for the size of his household or 150% of the federal poverty level for TANF-UP households.

- f. CWEP hours are not reduced by travel time to and from the placement. All CWEP hours are to be worked; meals and breaks can be included with hours worked or can be subtracted based on how they are treated for paid employees of the work site.
- g. Calculation of Work Hours for TANF and TANF-UP Cases: Combine the total TANF dollar amount with the food stamp amount received by members of the TANF household. Do not include the value of food stamps received by household members who are not included in the TANF grant. Divide the total of the TANF grant plus food stamp benefits by the federal minimum wage, to determine the number of CWEP hours to be worked each month. Divide that result by 4.3 **and round the final result down to the next whole number** to determine the number of hours to be worked each week in the CWEP assignment.

CWEP placements cannot exceed 32 hours a week. The weekly CWEP assignment will be reduced to 32 hours if the calculated hours exceed that number.

- h. CWEP Assignments for TANF-UP Cases: Both parents in a TANF-UP case may be placed in CWEP. In that circumstance, each will be required to participate the calculated hours. For example, if the calculation requires 25 hours of participation, and if both parents are assigned to CWEP, each individual will participate 25 hours a week and the total household participation will be 50 hours a week.
5. Referral of the Client to the Work Site: After the client's hours of CWEP participation are determined, and a good work site match is made, the ESW will work with the client and the work site to schedule an appointment for the client to be interviewed for a position. The ESW will complete the [VIEW Referral To Work Site](#) (032-02-3000), make a copy for the record, and give the referral to the client to take to the interview. The work site supervisor will complete the bottom portion of the form, copy it for the work site, and send it back to the ESW showing the outcome of the interview. If the work site accepts the client for the placement, the worker will proceed with putting the client in CWEP and in arranging any needed supportive services.

If the client does not have Medicaid coverage, the worker will provide both the client and the work site supervisor with a signed copy of the Notification of Workers' Compensation Requirements and Procedures form (032-03-675) and will explain the responsibilities of all parties should there be an injury at the work site.

6. Concurrent Assignments: Since it is not possible for a CWEP assignment to meet the 35 hour participation requirement, all participants assigned to CWEP must also be assigned to another component that will enhance employability.

If it is in the best interest of the participant, the CWEP assignment can be reduced by the hours the client is assigned to another work activity, as long as the CWEP assignment is at least 20 hours.

sheltered workshop employment. (Sheltered workshops are certified by the U.S. Department of Labor to pay commensurate wages which are based on the individual's ability to perform in relation to the performance of a person without a disability).

3. Because OJT is a type of paid employment, the participant will not be required to participate in another concurrent activity if the client works in the OJT position 30 hours per week or more and earns at least minimum wage.
4. If the hours for any OJT position are less than 30 per week, the participant must be assigned to a concurrent program activity and must meet the 35 hour participation requirement.

H. VOCATIONAL EDUCATION AND TRAINING

1. Vocational education and training is training or education designed to prepare the participant for a specific trade, occupation, or vocation. **It is a countable activity for 12 months in a lifetime. The months of training do not have to be consecutive.**

Vocational education and training does not include **education beyond the** baccalaureate or degree, nor does it include ABE, GED, or ESL instruction. Examples of activities that can be classified as vocational education and training are technology, business, and health sciences programs leading to certificates, associate **or baccalaureate** degrees in the trades, information technology, medical equipment repair, accounting administration, medical assisting, practical **or registered** nursing, **business, education, criminal justice and health sciences**. Prior to entering vocational education and training, a participant must meet any educational or technical requirements of the occupation for which **she is preparing** or be enrolled in an activity to meet the requirements.

Programs meeting the definition of vocational education and training are offered by a wide range of institutions including vocational-technical schools, community colleges, post-secondary institutions, proprietary schools, and secondary schools offering vocational education. The choice of vocational education and training offered may vary in each locality, depending upon local labor market conditions.

Up to one hour of unsupervised study or homework time can be counted as vocational education and training for each hour of scheduled class time. The need for unsupervised homework/study time must be confirmed by the education or training program. Supervised study time verified by the education or training program may also be counted as participation.

Hours for distance learning classes in which the individual logs in by computer to a class delivered on a specific day and at a specific time will be counted as participation if attendance and participation are documented on an Education and Training Activities Attendance Report signed by the instructor. Other types of distance learning courses offered through virtual classrooms or as independent tutorials will be evaluated and approved on a case-by-case basis. If hours of participation are assigned, attendance and participation must be verified by the instructor.

2. Self-Initiated Vocational Education and Training

- a) Self-initiated vocational education and training is training that meets the definition of vocational education and training that was initiated by the participant and in which the participant is enrolled at the time of initial assessment.
- b) Participants who enroll into training programs prior to coming into VIEW will be required to meet the requirements of the program.
- c) The ESW will use the following procedures to approve self-initiated training:
 - (1) All recipients who are enrolled in self-directed training must have their training approved by the ESW in order to pay for needed supportive services. If the training is not approved, supportive services cannot be provided.
 - (2) The ESW will complete an Assessment form, an Agreement of Personal Responsibility, and an Activity and Service Plan for each participant prior to approving the self-initiated training.
- d) If child care is needed, the ESW will notify the child care staff of the approval or disapproval of the self-initiated training. Child care staff will not authorize child care in cases in which the ESW has not approved the self-initiated training.
- e) The training must be for jobs available or likely to become available in the community.
- f) If grades have been issued for the training activity, the participant must have met the satisfactory progress requirements of the provider.
- g) If the participant is already enrolled in training which will require more than two years to reasonably complete, the participant may be allowed to continue in the activity if she is satisfactorily progressing but will be ineligible for a Hardship Exception based on a one year extension for training.
- h) The participant must also meet the conditions described in the section 1000.17 regarding satisfactory attendance and progress.

1000.14 – Program Component – Non-Core Work Activities

Hours assigned to non-core activities are used in the calculation of the participation rate only after the minimum 20 hour assignment to a core activity has been met.

A. **JOBS SKILLS TRAINING**

Jobs Skills Training is training that prepares an individual for employment, or job specific training required by an employer in order to obtain, keep, or advance in a specific job or occupation, or training needed to adapt to the changing demands of the workplace.

Job skills training includes the following types of training:

- Individual courses or a series of short term courses in such topics as keyboarding, or computer literacy, or training in a specific software application.
- All training and education programs, including post-secondary **certificate, associate, or baccalaureate** level programs, that are included in the definition of Vocational Education and Training at 1000.13H. Post secondary education can be provided in nontraditional as well as traditional settings. (Note: All post-secondary education-certificate, associate, baccalaureate level-must be directly related to employment in order to count as a work activity. Post-secondary education that is not related to employment is not allowable as any VIEW component or element of a component, including Other Locally Developed.)
- Instruction in a second language for participants who have a high school diploma or GED, or unpaid practicums or internships offered by college or training programs.

The choice of job skills training offered may vary in each locality, depending upon local labor market conditions. However, job skills training must have a direct relationship to employment as described above. **Up to one hour of unsupervised study or homework time can be counted as job skills training for each hour of scheduled class time. The need for unsupervised homework/study time must be confirmed by the education or training program. Supervised study time verified by the education or training program may also be counted as participation.**

Hours for distance learning classes in which the individual logs in by computer to a class delivered on a specific day and at a specific time will be counted as participation if attendance and participation are documented on an Education and Training Activities Attendance Report signed by the instructor. Other types of distance learning courses offered through virtual classrooms or as independent tutorials will be evaluated and approved on a case-by-case basis. Hours of participation will be reported only if attendance and participation can be verified by the instructor.

Prior to entering job skills training, participants must meet any educational or technical requirements of the occupation for which they are receiving training or be enrolled in an activity to meet the requirements.

The participant must also meet the conditions described in the section 1000.17 regarding satisfactory attendance and progress.

In some situations, participants who are initially enrolled in Vocational Education and Training because they are in an associate or certificate level post-secondary program directly related to employment, and who reach their 12 month lifetime limit in that component, may continue in the education program if it meets one of the definitions of Job Skills Training. TRANSMITTAL 39

Limitations on Post-Secondary Education Directly Related to Employment meeting the definition of Job Skills Training:

- (1) Post-secondary activities directly related to employment, (certification, associate, or baccalaureate programs) will be limited to a period of twenty-four months. Participants will not be assigned to an educational activity which cannot be reasonably completed within a twenty-four month period of VIEW participation.

The assignment to post-secondary cannot exceed the number of months remaining in the 24 month period for a former VIEW participant returning to the program.
- (2) The post-secondary education must be related to the jobs which are available in the community or are projected to become available in the community.
- (3) Participants referred to post-secondary activities must have a high school diploma or GED prior to beginning the curriculum.
- (4) Participants with a Certificate or Associate degree will not be assigned to additional post-secondary education except in situations in which the Certificate or Associate degree is more than five years old and the agency determines that additional education or training is needed to embrace the client's employability.
- (5) Participants with a Baccalaureate degree will not be assigned to additional post-secondary education. These participants are considered to have the education and ability needed to obtain employment.
- (6) Reimbursement for tuition, books and fees will be made for only the twenty-four month period unless the participant has been granted a hardship exception of up to one year to enable the participant to complete employment-related education. The participant must apply for all available sources of funding including Pell grants, scholarships, work study or other sources.

Requirements for Self-Initiated Post-Secondary Education Directly Related to Employment meeting the definition of Job Skills Training:

1. Self-initiated education directly related to employment is education initiated by the participant, and in which the participant is enrolled at the time of the initial assessment. For purposes of this component, the education must be in an institution of higher education that results in a certificate, associate or baccalaureate degree.
2. The following procedures will be used by the ESW to approve self-initiated education, all self-initiated post-secondary education must be directly related to employment.
 - (1) All recipients who have self-initiated into post-secondary education must have the education approved by the ESW in order to pay for supportive services.
 - (2) If child care is needed, the ESW will notify the child care staff of the approval or disapproval of the self-initiated post-secondary education. Child care staff will not authorize child care unless the ESW approved the self-initiated education.

- (3) The education must be for jobs available in the community or are projected to become available in the community.
- (4) Participants, for whom grades have been issued, must have a "C" average in order to have the self-initiated post-secondary education approved.
- (5) If the participant is enrolled in education which will require more than two years to reasonably complete, the participant may be allowed to continue in the activity if she is making satisfactory progress. However, the participant will not be eligible for a Hardship Exception based on the extension of education for up to one year beyond the two-year time period.
- (6) The participant must also meet the conditions described in section 1000.17 regarding satisfactory attendance and progress.

B. EDUCATION BELOW THE POST-SECONDARY LEVEL

Education below post-secondary is an allowable program activity for participants who have not received a high school diploma or GED certificate and whose employability would be enhanced by additional education. It includes ABE, GED, and ESL programs as well as secondary school and may be offered in non-traditional as well as traditional settings.

1. Educational Activities

- a. Participants assigned to this component will be those identified as needing certain educational activities to become ready for further education, training or job entry. Participation in education programs below the Post-Secondary level will be limited to one year. Instruction in these activities may be provided in nontraditional educational settings, e.g., accredited correspondence or interactive satellite transmitted courses. The necessary verification and documentation is still required.
- b. Educational activities are defined as basic and remedial education that will provide an individual with a basic literacy level equivalent to at least grade 8.9.
 - (1) education designed to prepare individual for a high school degree or its equivalent (GED).
 - (2) Community based literacy programs that provide education activities for individual who require remediation to acquire a grade 8.9 literacy level.
 - (3) Education in English proficiency (ESL) for a recipient, who does not understand, speak, read or write the English language.
- c. The participant must also meet the conditions described in the section 1000.17 regarding satisfactory attendance and progress.

2. Limitations

- a. Educational activities can only be provided in conjunction with a work activity during the participant's two year time period.
- b. Participants who enroll into education prior to coming into VIEW will be required to participate in a concurrent work activity.

1000.15 – Program Components – Other

Hours assigned to other locally developed are not used in the calculation of the participation rate.

OTHER LOCALLY DEVELOPED ACTIVITIES

Other locally developed activities are activities developed or used by a local agency to increase a client's employability, but which do not meet the definition of a core or non-core activity, or of post-secondary education. Assignments to other locally developed activities cannot be included in the participation rate calculation.

1000.21 - COMPLIANCE

- A. Compliance occurs when the participant who failed to comply and has been sanctioned performs a verifiable act of compliance to lift the sanction during or after the fixed sanction period. A verifiable act of compliance for the participant will be either continuing in, or completing an assigned activity.

If the TANF case is closed during the sanction period, the act of compliance may be met during the pending status of a reapplication. **The client is responsible for contacting the ESW to learn how she can comply with program requirements.**

Once the client complies, the ESW will immediately send a communication to the EW to lift the sanction. If the minimum fixed period has not passed at the time the client complies, the sanction will be lifted effective with the end of the fixed period. If the minimum fixed period has passed once the client complies, the sanction will be lifted effective with the date of compliance.

If the case was open at the time the client complied, the ESW will reassess the client and have the client sign a new APR which shows the months of VIEW eligibility remaining. If the case was closed at the time the client complied, the ESW will complete an assessment and have the client sign a new APR and Activity and Service Plan. A new enrollment will be opened in ESPAS with the new assessment date as the start date. As part of the ESPAS data entry, the ESW will add months to the clock beginning with the month of application. The ESW will also send a communication form to the EW requesting that AEGNFS be updated with the new APR date and run ED/BC.

If the individual is applying for food stamps as well as TANF, the TANF sanction is not necessarily cured by complying with FSET requirements. The individual must complete an act of compliance that matches the reason for the VIEW sanction. If that action is no longer available or appropriate, any other verifiable act of compliance deemed acceptable by the ESW will cure the sanction. This determination should be made on a case-by-case basis.

Supportive services may be provided to a participant during the time she is performing a verifiable act of compliance. Ongoing supportive services may also be provided to the other mandatory participant in a TANF-UP household who has continued to comply even when the sanctioned participant remains in the fixed period of sanction. Reasonable accommodations must be provided to individuals with verified disabilities during the time they are performing verifiable acts of compliance and to make it possible for individuals to perform verifiable acts of compliance.

1. Employment which meets the following conditions represents a verifiable act of compliance for all situations: the employment is verified, it was obtained after the sanction was imposed, it is for 10 hours per week or more and pays at least minimum wage, it continues for at least two weeks after the client reports the job to the agency, and the client is still employed at the end of the fixed sanction period. The participant is still required to comply with other program requirements in conjunction with employment when applicable.

2. A verifiable act may be defined in these situations as follows:
 - a. For failure or refusal to report for an appointment or required interview - keeping another scheduled appointment or interview. (Excluding the initial assessment interview.)
 - b. For failure or refusal to complete and/or return forms or other information to the agency by a required date - returning and/or completing the required form or other information.
 - c. For failure or refusal to begin, to continue in or participate in an assigned activity - beginning, continuing in or participating in an activity for up to two weeks to show a good faith effort to comply.
 - d. For failure or refusal to complete an assignment to a program activity - completing an assignment.
 - e. For failure or refusal to obtain or accept employment – if the client obtains employment during the sanction, the employment must be maintained through the end of the sanction period.
 - f. If the assignment from which a participant has been sanctioned is no longer available or appropriate, compliance may consist of participating in or completing a different activity.

- B. **The Activity and Service Plan should reflect the activity the client is to complete in order to comply and the date by which the activity is to be completed. The information from the Activity and Service Plan will not be entered into ESPAS. Once the participant has performed a verifiable act of compliance, the sanction is lifted retroactive to the end of the fixed sanction period, or to the date the participant complied if compliance was after the end of the fixed period.**

The date of compliance for an appointment or an interview is the date the client keeps the appointment or participates in the interview. Two weeks of successful participation is necessary before the client can be considered in compliance with work or a program activity. The date of compliance will then be the date the client began the activity. This date cannot be prior to the end of the fixed sanction period.

1000.22 - TRANSITIONAL SERVICES

Former VIEW participants are eligible for transitional services once they leave TANF, either because they have reached the end of the two-year time period, or because the TANF case has closed for another reason. Eligibility for specific transitional services is based on the client's employment status. **During the first three months after TANF case closure, a client may receive transitional services, with the exception of TET or a VTP, if otherwise eligible, even if the case was referred for a VIEW sanction, or closed while in a VIEW sanction.**

Eligibility for transitional services starts the first day of the month after TANF case closure and may continue through the last day of the 3rd month after TANF case closure, or through the last day of the 12th month after TANF case closure, depending upon the specific transitional service.

An ESPAS record must be opened for three of the transitional services - Transitional Transportation (TT), Transitional Employment and Training (TET), and the VIEW Transitional Payment (VTP). ESPAS is accessed through the ADAPT main menu, option 14. For detailed instructions, refer to the ESPAS Manual at <http://localagency.dss.virginia.gov/support/adapt/files/espas/espasmanual.pdf>.

If a client with a closed TANF case reapplies and is found eligible for TANF, she will no longer qualify for transitional services. VTP enrollments are closed at reapplication rather than at TANF case approval and are not reopened even if the application is denied. Clients who are referred to or volunteer for VIEW after TANF case approval are eligible for VIEW supportive services. (See 1000.12). If the TANF case closes again, the client may again be eligible for transitional services.

The local agency should include policy regarding the use of, and any limitations on, transitional services in its Standard Operating Procedures. The ability of a local agency to pay for the following transitional supportive services - transitional medical/dental, transitional work-related, and transitional emergency intervention services, or for Transitional Employment and Training (TET) - is based on the availability of funds.

Non-parent caretakers whose needs have been removed from the TANF grant for any reason (e.g. noncompliance, excess income for an AU of 1, etc.) are not eligible to receive transitional services if they are still receiving a TANF payment for the child.

A. Transitional Supportive Services

1. Transitional Child Care paid from Child Care funds – 12 month maximum. Child care assistance may be provided for up to twelve consecutive months, after the TANF case closes, to any former TANF recipient (VIEW or non-VIEW) who meets the eligibility requirements outlined in child care policy (Vol. VII, Section II, Chapter D). Child care can be provided for employment or for education. Transitional child care can start no earlier than the first day of the month after the month of TANF case closure. The eligible participant will be required to pay 10% of monthly gross income as a fee, unless the locality has been approved to use an alternative child care fee scale.

2. Transitional Child Care paid from VIEW funds – 3 month maximum. If the participant is determined ineligible for transitional child care based on income, and needs child care in order to work, the agency may pay for child care from VIEW funds for up to 3 months beginning with the month after TANF case closure. The client will not have to pay the 10% fee but will be required to pay any amount over the maximum reimbursable rate.
3. Transitional Medical/Dental Services – 3 month maximum. Payment for medical or dental services not covered by the state Medical Assistance Plan (Medicaid) may be made for working clients if the service relates directly to employment. Medical/dental Services include medical statements or other necessary medical verifications, dentures, glasses, orthopedic shoes, or other items needed to maintain or upgrade employment.
4. Transitional Work-Related Expenses – 3 month maximum. The client may be assisted with on-going or one-time expenses related to work when the service will help the client retain or upgrade employment. Examples of work related expenses include: fees for birth certificates, professional and license fees; registration/graduation fees; picture IDs; uniforms or other required clothing or shoes; safety equipment or tools; car repairs and insurances.
5. Transitional Emergency Intervention Services – 3 month maximum. Assistance may be provided in emergency situations to help a former VIEW participant retain employment. Examples of emergency intervention services include the provision of food or help with shelter costs when the need for such services arises from an emergency situation and the client's employment will be jeopardized if the services are not provided. Automobile expenses are not allowable as an emergency intervention service.
6. Transitional Transportation – 12 month maximum. Transitional transportation may be used to pay for any employment-related transportation expense that is allowed under VIEW guidelines for open TANF cases. (See 1000.12)

A former VIEW participant may apply for transitional transportation any time during the 12 month period following TANF case closure. If she applies after the 12 month period has started, she will be eligible only for the remaining months in the period.

A client whose case was referred for a VIEW sanction, or closed while in a VIEW sanction, must have or find employment of at least 10 hours a week at minimum wage or greater within 3 months of TANF case closure in order to be eligible for Transitional Transportation.

2. The ESW will evaluate the request based on policy and will complete the Hardship Exception Determination Form (032-03-0376) **and submit it to the Employment Services supervisor for approval of the recommended action.**
3. The ESW will send the client a [Notice of Hardship Exception](#) (032-03-0377) notifying the client of the approval or denial of the hardship exception request, and the reason for approval or denial.
4. If the hardship exception request is denied, the notice will also inform the client of the TANF case closure date.
5. If the hardship exception request is approved, the notice will explain the terms of approval including the begin and end date of the exception. Additionally,
 - a. The ESW will determine the length of an employment-related education or training exception, up to a maximum one year, based on the time necessary for the participant to complete the course of study.
 - b. The ESW will determine the length of an exception based on labor market unfavorability, up to a maximum one year, or on an exception based on unemployment or loss of employment, up to a maximum of 90 days, based on the client's individual situation, local labor market considerations, and planned outcomes from program participation.
6. If the hardship request is approved, the notice will set a first exception reassessment date no later than 90 days after the date of the notice.

Notice of Workers' Compensation Requirements and Procedures.(032-03-675)	56
Employer's Accident Report (VWC Form No. 3 rev. 3/22/02)	58
Notice of Intentional Program Violations and Penalties (032-03-0646-06-eng)	60
VIEW Job Follow-Up (032-03-0402-01-eng).....	62
Job Follow-Up Contact – Current VIEW Participants (Focus on Retention and Enhancement) (032-03-0403-01-eng)	64
VIEW Program Participation Document (032-03-0189-00-eng)	66
Holidays and Excused Absences for Participants in Unpaid Activities (032-03-0106-00-eng)	68
VIEW Education and Training Activities Attendance Sheet (032-03-0191-00-eng)	70
Statement of Required Presence of Caregiver (032-03-0020-00-eng)	72

Commonwealth of Virginia
Department of Social Services

Case Name _____
Case Number _____
Locality _____

**Virginia Initiative for Employment not Welfare (VIEW)
AGREEMENT OF PERSONAL RESPONSIBILITY**

This agreement lists your responsibilities as a participant in the VIEW program. If you refuse to sign this Agreement of Personal Responsibility, you will lose your Temporary Assistance for Needy Families (TANF) benefits.

VIEW PROGRAM RESPONSIBILITIES

I understand that TANF is a temporary assistance program and that I am responsible for:

- Recognizing that because TANF is temporary assistance, I need to work to become self-sufficient and support my family;
- Looking for and accepting employment;
- Participating in and satisfactorily completing all assignments from my case manager; notifying my case manager immediately of changes in my circumstances; answering all letters and calls from my case manager in a timely fashion; and keeping appointments with my case manager;
- Arranging child day care and transportation to allow me to participate in the VIEW program. If I am unable to arrange child day care and transportation, my case manager may be able to assist with these services.

VIEW PROGRAM RULES

To continue to receive TANF benefits, I must enroll in the VIEW program.

Once enrolled in the VIEW program, I can receive up to 24 months of TANF benefits.

I will be assigned to work activities throughout my 24-month eligibility period.

If I do not participate in the VIEW program, I will lose my family's TANF grant and my family's Food Stamp benefits may be affected. This is considered a sanction.

Each month that I am sanctioned for not participating will count as one of my 24 benefit months.

If I refuse a job offer without good cause or if I quit a job or am terminated, I will be sanctioned and lose my family's TANF benefits unless I have good cause. My Food Stamp benefits may be affected also.

FAIR HEARING RIGHTS

I have the right to appeal any agency action which terminates, reduces, or suspends my family's TANF and/or Food Stamp benefits.

VIEW OPPORTUNITIES

I understand that it is my responsibility to take advantage of the opportunities afforded me by the VIEW program. By taking advantage of these opportunities, I will be assisting my family in achieving economic independence.

I am able to earn up to the poverty level without losing my TANF benefits. The amount of my monthly benefits may not change when I go to work.

When I find employment and leave TANF, I may be eligible for up to 12 months of transitional child care, transportation, and/or a transitional incentive payment.

I may receive valuable work experience and/or training through the VIEW program.

HARDSHIP EXCEPTIONS

Hardship exceptions may be granted in very limited circumstances to extend the 24-month eligibility period to persons who demonstrate an extreme hardship. I may be granted a hardship exception if I have met the following conditions:

1. Satisfactorily participated in all of the assigned activities while in the program without being sanctioned; and
2. Was not sanctioned for leaving employment while in the VIEW program; and
3. Was not sanctioned more than one time for reasons other than those stated in 1 and 2 (required interviews, assessments, etc.).

VIEW ELIGIBILITY PERIOD (Check one)

- ☐ Signing this agreement will cause my 24-month eligibility period to begin on _____ with a scheduled end date of _____. (first of the following month)

I am aware that my TANF case will close prior to this scheduled end date when I reach the end of my 60-month eligibility period or when any other member of my household reaches the end of his/her 24-month or 60-month eligibility period.

- ☐ Signing this agreement will resume my 24-month eligibility period to begin on _____ with a scheduled end date of _____. This means I have _____ months remaining of my 24-month eligibility period. (first of the following month)

AGREEMENT TO PARTICIPATE (Check one)

I understand that I must sign this agreement to continue to receive TANF benefits. Refusal to sign this agreement will result in the loss of my TANF benefits.

- ☐ By signing this VIEW Agreement, I choose to participate in the VIEW program.
- ☐ The client refused to sign the Agreement of Personal Responsibility. The client's responsibility to participate was explained. The client was informed that refusal to participate will result in termination of the family's TANF benefits.

Participant

Date

Case Manager

Date

TANF TRANSMITTAL 39

VIEW AGREEMENT OF PERSONAL RESPONSIBILITY

FORM NUMBER - 032-02-0310-05 (10/08)

PURPOSE OF FORM - This form provides written documentation of the acceptance of personal responsibility by the participant for participating in the VIEW program. The VIEW Agreement of Personal Responsibility must be completed at the initial assessment and each subsequent referral to VIEW. The form documents the begin date and scheduled end dates of the VIEW participant's 24 months of receipt of TANF. The form is signed by both the participant and the ESW.

USE OF FORM - This form is used by the agency to record the information discussed with the participant concerning the individual's responsibilities while in the VIEW program. The form must be completed and signed before VIEW participation may begin.

NUMBER OF COPIES - One original and one copy.

DISPOSITION OF COPIES - Original - Case Record
Copy - VIEW Participant

INSTRUCTIONS FOR COMPLETING THE FORM - The worker/case manager must discuss this form in its entirety with the participant at the time of initial assessment. This form must be signed by the participant and by the ESW before the participant enters the VIEW program.

Refusal by the VIEW participant to sign this agreement will result in loss of TANF / TANF-UP benefits and may affect Food Stamp benefits. If the participant refuses to sign the agreement, the ESW is to check the box, sign and date, and file it in the case record.

If a VIEW participant leaves the program prior to the end of the 24-months of eligibility for TANF and subsequently returns, the participant must sign a new Agreement of Personal Responsibility, with the remaining eligibility period indicated in the "VIEW ELIGIBILITY PERIOD" section.

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF SOCIAL SERVICES
VIEW PROGRAM

Participant Name: _____

Case No.: _____

VIEW JOB SEARCH FORM

IMPORTANT! YOU HAVE BEEN ASSIGNED TO JOB SEARCH. USE THIS FORM TO RECORD THE CONTACTS YOU ARE REQUIRED TO MAKE WITH EMPLOYERS WHILE YOU ARE LOOKING FOR A JOB AND THE NUMBER OF HOURS FOR EACH CONTACT. IF YOU DO NOT COMPLETE AND SIGN THIS FORM, AND RETURN IT TO YOUR EMPLOYMENT SERVICES WORKER, YOUR TANF OR TANF-UP MAY BE TERMINATED!

REMEMBER YOU MUST:

- Spend at least _____ hours per week for the period _____ to _____ looking for a job. You can count the hours that you spend in face-to-face interviews, or hours completing and turning in job applications or resumes, **or travel time between interviews (but not to the first interview or from the last interview)**, toward the weekly total.
- Accept suitable job offers.
- Notify your employment services worker as soon as you get a job.

Complete this form and:

☐ Return this form with your signature by _____ to your employment services worker listed below.

☐ Keep the interview scheduled with your employment services worker and bring your completed form for:

_____ at _____ at _____
Date Time Address

EMPLOYMENT SERVICES WORKER: _____ PHONE: _____

EMPLOYER CONTACT LIST:

These contacts may be verified by your employment services worker. You do not need to get the signatures of the employers you contact. To count as a contact, you must have a face-to face interview or leave an application and/or a resume.

YOUR CONTACTS	DID YOU: (Check any that apply)
Company: <u>VIRGINIA EMPLOYMENT COMMISSION</u> Address: _____ Type of job: _____ Person Contacted: _____ Date of Contact: _____ Contact Hours (circle) 1 2 3 4	<input type="checkbox"/> Register: Result of Contact: _____ _____
Company: _____ Address: _____ Type of job: _____ Person Contacted: _____ Date of Contact: _____ Contact Hours (circle) 1 2 3 4	<input type="checkbox"/> Submit a Resume <input type="checkbox"/> Submit an Application: <input type="checkbox"/> Interview: Result of Contact: _____ _____

10/08

Company: _____ Address: _____ Type of job: _____ Person Contacted: _____ Date of Contact: _____ Contact Hours (circle) 1 2 3 4	<input type="checkbox"/> Submit a Resume <input type="checkbox"/> Submit an Application: <input type="checkbox"/> Interview: Result of Contact: _____ _____
Company: _____ Address: _____ Type of job: _____ Person Contacted: _____ Date of Contact: _____ Contact Hours (circle) 1 2 3 4	<input type="checkbox"/> Submit a Resume <input type="checkbox"/> Submit an Application: <input type="checkbox"/> Interview: Result of Contact: _____ _____
Company: _____ Address: _____ Type of job: _____ Person Contacted: _____ Date of Contact: _____ Contact Hours (circle) 1 2 3 4	<input type="checkbox"/> Submit a Resume <input type="checkbox"/> Submit an Application: <input type="checkbox"/> Interview: Result of Contact: _____ _____
Company: _____ Address: _____ Type of job: _____ Person Contacted: _____ Date of Contact: _____ Contact Hours (circle) 1 2 3 4	<input type="checkbox"/> Submit a Resume <input type="checkbox"/> Submit an Application: <input type="checkbox"/> Interview: Result of Contact: _____ _____
Company: _____ Address: _____ Type of job: _____ Person Contacted: _____ Date of Contact: _____ Contact Hours (circle) 1 2 3 4	<input type="checkbox"/> Submit a Resume <input type="checkbox"/> Submit an Application: <input type="checkbox"/> Interview: Result of Contact: _____ _____
Company: _____ Address: _____ Type of job: _____ Person Contacted: _____ Date of Contact: _____ Contact Hours (circle) 1 2 3 4	<input type="checkbox"/> Submit a Resume <input type="checkbox"/> Submit an Application: <input type="checkbox"/> Interview: Result of Contact: _____ _____
Company: _____ Address: _____ Type of job: _____ Person Contacted: _____ Date of Contact: _____ Contact Hours (circle) 1 2 3 4	<input type="checkbox"/> Submit a Resume <input type="checkbox"/> Submit an Application: <input type="checkbox"/> Interview: Result of Contact: _____ _____

PARTICIPANT'S SIGNATURE _____ DATE _____

10/08

VIEW JOB SEARCH FORM

FORM NUMBER - 032-02-0301-06-eng (10/08)

PURPOSE OF FORM - This form provides written documentation of the VIEW participant's job search contacts.

USE OF FORM - This form is used by VIEW participants to record employer contacts, contact hours and outcomes during assignment to a job search component.

NUMBER OF COPIES - Original

DISPOSITION OF COPIES - Original becomes a part of the case record when the VIEW participant completes job search and returns the form.

INSTRUCTIONS FOR PREPARING FORM - The first section of the form is completed by the employment services worker, and the information is discussed with the VIEW participant.

The "Employer Contact List" is completed by the VIEW participant. The first lines in this section are to record the mandatory registration/contact with the Virginia Employment Commission. At the end of the job search assignment or at a time designated by the worker/case manager, the form is returned to the agency. The employment services worker will explain to the VIEW participant how the form is to be returned. Employers are not required to sign the form.

The VIEW participant will sign the form at the bottom of page 2 indicating that the contacts have actually been made and that contact hours are accurate. A statement on the form cautions the VIEW participant that the employment services worker may contact the employer to verify the contact.

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF SOCIAL SERVICES
VIEW PROGRAM**

Participant Name: _____

Case Number: _____

ESW: _____

Date Request Received: _____/_____/_____

HARDSHIP EXCEPTION DETERMINATION FORM

I. HARDSHIP REQUESTED (Check One)

☐ Factors Related to Job Availability are Unfavorable

☐ Actively Seeking Employment

☐ Employment-related Education/Training

☐ Loss of Employment Unrelated to Job Performance

☐ Application was timely: _____ Within 60 days _____ Not within 60 days due to disability reason

☐ Yes ☐ No Copy Of Request Attached

II. POLICY REVIEW (check applicable statement)

Excluding any sanctions improperly imposed:

☐ Has not been sanctioned for failing to satisfactorily participate in assigned activities (components)

☐ Has not been sanctioned more than once for failure to comply with program requirements (required interviews, assessments, etc.)

☐ Has never been sanctioned for leaving employment while in the VIEW Program

☐ Yes ☐ No Does the participant meet all three qualifying criteria?

If yes, continue to Section III and IV. If no, the participant is ineligible for a hardship exception.

III. EVALUATION OF ELIGIBILITY FOR HARDSHIP EXCEPTION

☐ Yes ☐ No Meets the conditions of a 90 day hardship?

A. 90-Day Hardship Conditions

1. Actively Seeking Employment

☐ Unable to find employment that, when combined with all other sources of income, equals or exceeds the TANF grant plus the **\$144** standard deduction.

TANF Grant _____
Standard Deduction: **\$144**
Total: _____

Employment: _____
Other Income: _____
Total: _____

☐ Satisfactorily participated in all job searching activities while in VIEW.

10/08

III. EVALUATION OF ELIGIBILITY FOR A HARDSHIP EXCEPTION - CONT'D

2. Loss of Employment Unrelated to Performance

- ☐ Has applied for unemployment compensation
☐ Has lost employment for reasons other than performance (If sufficient quarters of employment existed, client would be eligible for unemployment compensation.)

☐ Yes ☐ No Meets the conditions of a 12 month hardship?

B. 12-Month Hardship Conditions

1. Employment-Related Education/Training

- ☐ Enrolled in employment-related education/training for at least 9 of the last 12 months.
☐ Is making satisfactory progress in education or training.
☐ Education/training is expected to be completed in 12 months or less.
☐ Request is not for any of the following educational components: ABE, GED, ESL, High School.

2. Factors Related to Job Unavailability

- ☐ Participant has been actively seeking employment.
☐ Unemployment rate in locality for last 2 quarters of available data has been 10% or greater.

IV. DISPOSITION

☐ Yes ☐ No Eligible for hardship exception? If not, why? _____

Approved: ☐ One year hardship for (Reason): _____

From: ____/____/____ To: ____/____/____

Approved: ☐ 90 Day hardship for (Reason): _____

From: ____/____/____ To: ____/____/____

ESW Signature: _____ Date: _____

Supervisor Signature: _____ Date: _____

Comments: _____

HARDSHIP EXCEPTION DETERMINATION FORM

FORM NUMBER - 032-03-0376-05-eng (10/08)

PURPOSE OF FORM - This form is designed to help the ESW determine if a VIEW participant is eligible for a Hardship Exception to the TANF 24 month time limit.

USE OF FORM - The form is completed when a request for a hardship exception has been received by the agency.

NUMBER OF COPIES - One original in case record.

INSTRUCTIONS FOR COMPLETION OF FORM - Section I documents which hardship exception is being requested. A copy of the request should be attached to the form.

Section II documents the exclusion of sanctions improperly imposed. To qualify for a hardship, all three qualifying criteria must be met.

Section III documents the particular policy requirements for individual 90 day and 12 month hardship exceptions. To qualify for a hardship exception, the conditions must be met.
(Check "yes").

Section IV documents the final determination of whether a VIEW participant who has reached the end of the 24 month time limit is eligible for a particular hardship exception.

The Hardship Exception Determination Form must be signed by both the VIEW worker and VIEW supervisor.

Commonwealth of Virginia
Department of Social Services
Temporary Assistance for Needy Families (TANF)
Virginia Initiative for Employment not Welfare (VIEW)
Food Stamp Employment and Training Program (FSET)

Case Name

Case Number

MEDICAL EVALUATION

It is our goal to assist the individual named below in becoming economically self-sufficient. This person states that he/she is unable to participate in employment and training activities. Please give careful consideration in completing this medical evaluation. The information that you provide will be used to determine program activities that this individual may be able to perform, even if there are some limitations.

Patient's Name

Address

Phone #

Birthdate / /

Agency Name

Address

Agency Contact

Phone #

ABILITY TO PARTICIPATE IN EMPLOYMENT AND TRAINING ACTIVITIES:

1. Date of examination on which this medical evaluation is based: / / (Examination must have been conducted within the last 90 days).
2. In terms of participating in employment and training activities and the patient's current health issue(s), check that which is MOST applicable at this time.

- A. ☐ Able to participate in employment and training activities without limitations or modifications



Skip the remaining questions and sign at the bottom of page 2.

- B. ☐ Able to participate in employment and training activities at least 10 hours per week with limitations and/or modifications as needed



Anticipated duration of limitation or need for modification (Check one)



- ☐ Less than 30 days
☐ 31 – 60 days
☐ More than 60 days.
Specify duration:
☐ Do you recommend that this patient apply for SSI or SSA disability at this time?
Yes ☐ No ☐



Skip to question 3 and continue through the signature section on page 2

- C. ☐ Unable to participate in employment and training activities in any capacity at this time



Anticipated duration of incapacity. (Check one)



- ☐ Less than 30 days
☐ 31 – 60 days
☐ More than 60 days.
Specify duration:
☐ Do you recommend that this patient apply for SSI or SSA disability at this time?
Yes ☐ No ☐



Skip to question 4 and continue through the signature section on page 2

(OVER) →

3. Please check the total number of hours per week that the patient can participate in employment and training activities.
Circle one: ☐ 10 ☐ 15 ☐ 20 ☐ 25 ☐ 30 ☐ 35

4. In your professional opinion, and based on your medical knowledge of the patient's condition, list any limitations that would affect the patient's ability to participate in employment and training activities.

☐ Physical Limitations:

☐ Psychiatric Limitations:

☐ Other Limitations Not Listed Above:

DIAGNOSIS AND TREATMENT:

5. Please indicate the primary medical reason for the patient's inability to participate, or to participate with modifications and/or limitations, in employment and training activities in the "primary diagnosis" space below.

Primary Diagnosis:

If other medical issues contribute to the patient's inability to participate, or to participate with modifications and/or limitations, in employment and training activities, please record those in "secondary diagnosis" space below.

Secondary Diagnosis:

6. Would reviewing this form jeopardize the patient's health or well-being? ☐ Yes ☐ No

COMPLIANCE:

7. If physical therapy, counseling, medication or other treatments were prescribed, is the patient complying?

☐ Yes ☐ No ☐ Don't know

8. If patient is not complying with recommendations, are you aware of the reason for not complying?

☐ Yes ☐ No ☐ Don't know

9. Does the patient's condition hinder his/her ability to care for his/her children?

☐ Yes ☐ No

REFERRALS:

10. Does the patient require additional evaluation and/or assessment to determine current and/or future functioning?

☐ Yes ☐ No

If yes, by whom:

Field or area of expertise

Date Referred:

SIGNATURE:

This form may be signed **only** by a medical doctor, including a psychiatrist, a doctor of osteopathy, or by a physician's assistant or nurse practitioner working in the practice of a medical doctor or doctor of osteopathy.

Signature _____
(Physician or Nurse Practitioner or, Physician's Assistant)

Office telephone number: _____

Name _____
(Please print)

Date form was completed: _____

Office Address _____
032-03-0654-06-eng (10/08)

MEDICAL EVALUATION

FORM Number – 032-03-0654-06-eng

PURPOSE OF FORM – To provide medical information concerning the mental/physical condition of a Temporary Assistance for Needy Families (TANF) applicant/recipient or a Virginia Initiative for Employment Not Welfare (VIEW) or Food Stamp Employment and Training Program (FSET) participant.

USE OF FORM – To be used by the local social services agency in securing medical information when a written statement is necessary to determine ability to participate in employment and training activities.

NUMBER OF COPIES – One.

DISPOSITION OF FORM – Submitted to the examining or treating medical professional and, upon return to the local department, filed in the case record.

INSTRUCTIONS FOR PREPARATION OF FORM – The information at the top of the form is completed by the eligibility/VIEW worker prior to submittal of the form to the examining or treating medical professional. The information requested in Items 1 through 10 is entered by the examining or treating medical professional. The medical doctor, physician's assistant, or nurse practitioner is to sign the form and also complete the identifying information in the appropriate spaces.

In the case of a single parent household, if the medical professional completing the form indicates in Compliance, item 8, that the patient's condition hinders his/her ability to care for the children, contact the agency's child care and/or child welfare staff to determine if services are needed.

Commonwealth of Virginia
Department of Social Services
Temporary Assistance for Needy Families
Virginia Initiative for Employment Not Welfare (VIEW)

AGENCY USE ONLY
Case Name
Case Number
Eligibility Worker Number

NOTICE OF INTENTIONAL PROGRAM VIOLATIONS AND PENALTIES

Virginia law requires TANF applicants and recipients to let the local department of social services know of certain changes that might cause a change in his or her assistance. If you withhold information or give false information, you may be prosecuted for perjury, larceny, or welfare fraud. You may be subject to a disqualification hearing. If you are found guilty, you will be ineligible to receive TANF for yourself for six months for the first offense, 12 months for the second offense, and permanently for the third offense.

The following changes must be reported within 10 days of the day they occur, but at the latest, you have until the 10th day of the following month to report the change. If you are not sure whether to report a particular change, please discuss the change with your worker.

1. Change of address.
2. An eligible child leaves your home.
3. Changes that may affect VIEW participation including changes in the need for transportation, child care, or any other supportive services.
4. Income from your household goes over the limit below.

Number of People in your Household	Gross Income Limits			
	Monthly	Weekly	Every 2 weeks	Twice a month
1	\$1,127	\$262.09	\$ 524.18	\$ 563.50
2	1,517	352.79	705.58	758.50
3	1,907	443.48	886.97	953.50
4	2,297	534.18	1,068.37	1,148.50
5	2,687	624.88	1,249.76	1,343.50
6	3,077	715.58	1,431.16	1,538.50
7	3,467	806.27	1,612.55	1,733.50
8	3,857	896.97	1,793.95	1,928.50
For each additional member add	+ \$390	+ \$90.69	+ \$181.39	+ \$195.00

These amounts are good through 9/30/09.

I have read this notice and understand my responsibility to report the above changes by the 10th day of the month following the change.

Applicant/Client Signature _____ Date _____

Worker Signature _____ Date _____

NOTICE OF INTENTIONAL PROGRAM VIOLATIONS AND PENALTIES

FORM NUMBER – 032-03-0646-06-eng (10/08)

PURPOSE OF FORM – The purpose of the form is to advise the client of Intentional Program Violations (IPV) and the penalties. It also informs the client of the TANF and VIEW changes that must be reported.

USE OF FORM – The form advises the client of the types of information that must be reported, and the IPV penalties that may be imposed, and the time period of the penalties.

NUMBER OF COPIES – Two.

DISPOSITION OF THE FORM – The eligibility worker will explain the notice to the applicant when processing a TANF application. The eligibility worker and client will sign the form and date it. The original is filed in the TANF record and a copy is given to the client.

When the client comes in for a VIEW initial assessment the VIEW worker will explain the form. The worker and client must sign the form and date it. The original is given to the client and a copy is filed in the VIEW folder.

INSTRUCTIONS FOR PREPARATION OF FORM – Explain the information on the form to the client. The client and the worker are to sign the form and date it.

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF SOCIAL SERVICES
TANF PROGRAM

Participant Name: _____

Case Number: _____

HOLIDAYS AND EXCUSED ABSENCES FOR PARTICIPANTS IN UNPAID ACTIVITIES

Holidays and excused absences can be counted as participation for participants in the following unpaid activities – Group Job Search, Job Readiness, Vocational Education and Training, Public Service Program (PSP), Community Work Experience (CWEP), Job Skills Training, and Education below Post-Secondary. (Holidays and excused absences cannot be counted as participation for Individual Job Search).

Holidays

The following 10 holidays may be included in the calculation of actual hours of participation for unpaid activities:

New Year's Day (Jan)	___ Yes ___ No	Labor Day (Sept)	___ Yes ___ No
Martin Luther King Day (Jan)	___ Yes ___ No	Veteran's Day (Nov)	___ Yes ___ No
President's Day (Feb)	___ Yes ___ No	Thanksgiving Day (Nov)	___ Yes ___ No
Memorial Day (May)	___ Yes ___ No	Day after Thanksgiving (Nov)	___ Yes ___ No
Independence Day (July)	___ Yes ___ No	Christmas Day (Dec)	___ Yes ___ No

* No other days may be considered holiday closures for federal reporting purposes.

Excused Absences

In addition, **80 additional hours** of excused absences may be counted as **VIEW participation for the period 10/1/08 to 9/30/09** for clients in unpaid activities. No more than **16 hours** of excused absences may be approved in a month. In order for the excused absence to be considered as actual hours of participation, the client must have been scheduled to participate in the activity for that time period.

*Month 1 will be **10/08** for **VIEW** participants who signed the **APR** in **9/08** or earlier. Month 1 will be **month after the client signs the APR** and enters **VIEW** for clients signing the **APR** on or after **10/1/08**.

	Date/Hours	Date/Hours	Date/Hours	Date/Hours	Total Hours/Month - 16 or less
Month 1					
Month 2					
Month 3					
Month 4					
Month 4					
Month 5					
Month 6					
Month 7					
Month 8					
Month 9					
Month 10					
Month 11					
Month 12					
Total hours 10/1/08 to 9/30/09 cannot exceed 80				TOTAL HOURS/YEAR	

HOLIDAYS AND EXCUSED ABSENCES FOR PARTICIPANTS IN UNPAID ACTIVITIES

FORM NUMBER: - 032-03-0106-01-eng (10/08)

PURPOSE OF FORM - This form is to be used to document holidays and/ or excused absences when they are included in the calculation of actual hours of participation for unpaid activities for the month. In order for the holiday or excused absence to be counted, the participant must have been scheduled to participate in the activity for that time period but was unable to do so due to holiday closure by the site or an excused absence.

USE OF FORM - This form is placed in the participant's case record when the initial VIEW assessment is completed. The form should be updated each month that either a holiday or excused absence will be used in the calculation of actual hours of participation for unpaid activities.

NUMBER OF COPIES - Original

DISPOSITION OF COPIES – Original is to be kept in the case record

INSTRUCTIONS FOR PREPARING THE FORM:

HOLIDAYS – This section is to be used to document any holidays that have been included in the calculation of actual hours of participation for unpaid activities during the month. Only the ten holidays listed may be considered holiday closures for Federal reporting purposes.

EXCUSED ABSENCES - This section is to be used to document any excused absences that have been included in the calculation of actual hours of participation for unpaid activities during the month. Only **eighty hours of** excused absences may be counted as VIEW participation **for the period 10/1/08 to 9/30/09** and no more than **16 hours of** excused absences may be approved in a month.

10/08

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF SOCIAL SERVICES
VIEW PROGRAM

Participant's Name: _____
ADAPT Case #: _____
ESW: _____
ESW Phone #: _____

VIEW EDUCATION AND TRAINING ACTIVITIES ATTENDANCE SHEET

Name of Class _____ Name of Program/Curriculum _____

Name of Institution _____ Name of Instructor _____

How is Instruction Delivered: Classroom _____ Internet _____ Other (describe) _____

Report Month/Year: _____/_____

Please **circle the days your class is scheduled to meet for the month**. After each class meeting, fill in the number of hours that you attended class, labs, or other activities required for the class. If you were not in class, please use one of the codes listed below to explain why you were not in class on that date. **Do not fill in the "Homework/Study Hours" or "Total Hours" sections.** Please sign the form and have the Instructor (or designee) to sign the form to confirm that the information is correct.

This form must be returned to the Employment Service Worker (ESW) listed above by the 5th calendar day of the month following the report month. Please feel free to contact the ESW listed above if you have any questions.

To Be Completed By Participant																															
Scheduled Class	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
Hours or Attendance Code																															
Attendance Code: A - Absent C - Closed H - Holiday																															
Participant Signature _____															Date _____																
To Be Completed By Worker																															
Homework/Study																															
Total Hours																															
To Be Completed By Instructor																															
Is homework or study time necessary for success in this class? _____ Yes _____ No																															
Is the attendance information reported above accurate? _____ Yes _____ No																															
Instructor Signature _____															Date _____																

To Be Completed By Worker	
Total Hours for Report Month	_____

VIEW EDUCATION AND TRAINING ACTIVITIES ATTENDANCE SHEET

FORM NUMBER: 032-03-0191-01-eng (10/08)

PURPOSE OF FORM - This form provides a written means for the employment services worker (ESW) to monitor a VIEW participant's attendance in an education or training program on a monthly basis.

USE OF FORM - This form is used by the education or training program instructor to **verify** the participant's attendance. The form is also used by the ESW/case manager to evaluate any need for intervention to enhance the VIEW participant's progress. **A separate form is completed for each course.**

NUMBER OF COPIES - Original

DISPOSITION OF COPIES - The original is mailed to the agency by the fifth calendar day after the report month and becomes a part of the case record.

INSTRUCTIONS FOR PREPARING THE FORM

The ESW will be responsible for informing the participant of her responsibility to ensure that the form has been completed in its entirety and signed by the instructor/ his designee each month. A sufficient supply of copies of the form for the semester/ quarter/ length of the course should be given to the participant at the time the assignment is made.

All sections of the form need to be completed in their entirety to enable the ESW to verify attendance. **The ESW will fill in the Participant's Name, ADAPT Case #, ESW name, and ESW Phone # at the top of the form. The participant will fill in the Name of Class, Name of Program/Curriculum, Name of Institution, Name of Instructor, and How is Instruction Delivered. The participant will circle the days of the month the class is scheduled to meet. After each scheduled class meeting, the participant will fill in the actual hours of attendance, or the appropriate code if the class was not attended. After the form has been completed, both the participant and the instructor (or designee) will sign the form.**

The ESW will review the form, and, if unsupervised homework or study time is necessary for success in the class (this will be checked by the instructor), will add one hour of unsupervised homework/study time for each hour of scheduled class time and will total the hours of attendance and unsupervised homework/study time, and fill in the Total Hours for Report Month. Unsupervised homework/study time can be counted for each hour the participant was scheduled to attend, even if the participant was absent from class on a particular day, if the class was not held because the institution was closed on the scheduled class day, or because scheduled day fell on a holiday.

If the participant reports that supervised study time is a required part of the class, the worker will obtain verification from the instructor and will note the hours spent in supervised study by date on the form and add them to the Total Hours for the Report Month).

The total hours of class attendance, unsupervised homework/study time, plus any supervised study time, will be reported as participation if otherwise allowable.

The participant will be responsible for providing the completed form to the ESW/ case manager by the fifth calendar day after the close of the report month.

Facts to be EstablishedSubstantiation and Procedures

Cohabitant living in the home with TANF parent and children.

c. Refunds, from the Division of Child Support Enforcement, of over-collected child support identified as closed case refunds and support paid in excess of public assistance.

4. Other Cash Income

This includes all other cash income received. Principal sources would be:

a. Rental of property, or rooms, or board paid, when client is not engaged in a business enterprise or actively involved in management.

Consider as income the actual or anticipated amount of contribution received by the applicant/recipient. Support payments received prior to the date that the case approval is keyed into ADAPT are to be considered as income to the assistance unit. After the case has been approved, the support must not be counted, but redirected to DCSE. The \$100 disregard is only to be applied in calculating the initial month's payment(s) if it is anticipated that \$100 will not be collected by DCSE subsequent to case approval.

If court-ordered support payments are made directly to the Division of Child Support Enforcement, they are counted as a refund to TANF and not counted as income in computing amount of assistance.

Agency's responsibility to secure support from legally responsible relatives described in Chapter 600.

Consider as income the actual or anticipated amount of support or contribution received by the applicant/recipient for the children. This amount is to be counted as income in computing amount of assistance.

c. Verify by using the appropriate Warrant Register provided by DCSE.

4. Other Cash Income

Count actual or anticipated amount (net, if cost involved as income).

a. Verify anticipated income by - Document in client's possession Statement of tenant or boarder.

Verify anticipated cost by - Tax receipt, for property owned. Where rooms are rented, count as income: 65% of total received if fuel is furnished by client. 75% of total received if fuel is not furnished by client. Transmittal 39

SUBJECT	SECTION/PAGE(S)
Absence of a Parent from the Home/Military Service	201.5b, p. 2b
Adding Individual to Assistance Unit (AU)	401.1, p. 1; 401.1G, p.3-4; 401.2, p. 2b-2d
Newborns-Social Security Number (obtaining a SSN#) Parent	201.8, p. 1 401.1, p. 3; 401.2, p. 2b-2d
Adding an Individual with Income	305.1, p. 10; 401.2, p. 2b
Adequate Notice	401.4, p. 7-8
Administration	100.2 - 101.1 ; p. 1b
Administrative Disqualification Hearings	102.4 - 102.14
Age	201.1, p. 1; 201.2, p. 3e
Agreement of Personal Responsibility	901.5, p. 5b - 901.6 , p. 6
Alienage	201.7, p. 1-1g
Alien - Sponsor's Income Ineligible	305.4, p. 32a - 33a 201.7, p. 1a; 305.4, p. 34
Alimony	305.4, p. 36; 305.4 , p. 38 ; 305.4 , p. 43 ; 602.3, p. 2
Amount of Payment	502.1, p. 1-2
Anticipated Income	305.1, p. 4-6
Appeals and Fair Hearings	104.1 - 106.6; 401.1 , p 2a ; 401.1 , p. 3 ; 401.4 , p. 7a ; 401.5, p. 10a

SUBJECT	SECTION/PAGE(S)
Application	
Application: Basic Requirements	401.1,
Date of Application	401.1, p. 3
Date of Authorization	401.1, p. 3
Death of Applicant	401.1, p. 5
Effective Date	401.1, p. 4
Face-to-Face Interview Requirements	401.2, p. 1; 401.3, p. 4
Inability to Locate Applicant	401.1, p. 5
Ineligible the Month Processed	305.1, p. 8
Option to Up-date Current Application	401.3, p. 5
Processing Time Standard	401.5, p.12
Verification of Information	401.6, p. 12a
Who Must Be included	401.1, p.1
Withdrawal of Application	401.1, p. 5
Assignment of Rights	201.9 - 201.10 , p. 1
Assistance Unit (AU)	302.1; 302.7;
	401.1, p. 1
Temporary Assistance for Needy	
Families-Unemployed Parent (TANF-UP)	701.3, p. 2
Minor Parents (Complex Unit)	302.8
Multiple Groups of Children (Complex Unit)	302.8
Authorized Representative	401.1, p. 1a
Beginning Date of Assistance (BDOA)	401.1, p. 4; 502.2, p. 3
Budgeting Income - Prospectively	305.1, p. 3
Calculating Monthly Income	305.1, p. 6a-8
Care and Control, Minor Parent	302.8, p. 4b-5a
Caretaker - Definition	302.3
Categorical Requirement	
Temporary Assistance for Needy	
Families (TANF)	201.1, p. 1
TANF-UP	701.2

SUBJECT	SECTION/PAGE(S)
Changes	
Income	305.1, p. 9-10
Information Reviewed on Application	401.1, p. 2D
Parent Returns Home	401.2, p. 2b-2d
Reflecting the Change in the Case	401.2, p. 2a-2d
Removing Income	305.1, p. 9a
Removing Persons with Income	305.1, p. 10
Support	602.5, p. 6
Time Frame for Reporting	305.1, p. 9; 401.2, 2a-2c; 401.6, p.11
Verification Time Frame	305.1, p. 9a; 401.2, p. 2a
Child Care Disregard	305.3, p. 17-21
Child Support Disregard (\$100)	305.4, p. 24; 602.3, p.1-1a
Child Care - Transitional	401.7
Gifts of Income	305.2, p. 12
Citizenship	201.1, p. 1; 201.7, p. 1; 305.4, p. 35
Complaints	101.2, p. 1c
Cohabitant Contribution	305.4, p. 37
Conditions of Eligibility	
For Children	201.1, p. 1-1a; 201.8, p. 1; 201.9, p. 1 201.11, p. 6; 801.1, p. 1
For Parents	201.1, p. 1a; 201.8, p. 1; 201.9, p. 1 201.11, p. 6; 801.4, p. 1
For Virginia Initiative For Employment Not Welfare (VIEW)	901.1, p. 1-2b
Confidentiality	103.1
Cooperation with Division of Child Support Enforcement (DCSE)	201.10, p. 1-2b

SUBJECT	SECTION/PAGE(S)
Continuation of Assistance During Appeal Process	401.5, p. 10-10a
Contract Earnings	305.1, p. 5-6
Contributions from Another Agency	305.4, p. 43 ; Procedures VII, p. 10
Contributions In-Kind	305.4, p. 36a; 305.4, p. 44-45; 602.3, p. 2
Countable Earnings	305.3, p. 21
Current Support Received Also see Cohabitant; Minor Caretaker; Stepparent	305.4, p. 36-37; 602.3, p. 1-3
Date of Entitlement	401.1, p. 4; 502.2, p. 3-3a
Day Care Income	305.3, p. 14
Death of Applicant	401.1, p. 5
Debit Card	502.5, p. 5; Section 500, Appendix III
Declaration of Citizenship and Alien Status	201.7, p. 1c- 1g
Decrease in Income	305.1, p. 9-9a
Deemed Income Ineligible Alien Senior Parent(s) to Minor Caretaker Sponsor to Alien Stepparent Unverified	305.4, p. 41-43 305.4, p. 41-43 305.4, p. 32-33a 305.4, p. 37-41 305.4, p. 43
Definitions	104.3
Deleting Income	305.1, p. 10
Deleting Person with Income	305.1, p.10
Direct Deposit Section	502.3, p. 4; 502.5, p. 5; 500, Appendix II
Discrimination Complaint	101.2

SUBJECT	SECTION/PAGE(S)
Disregarded -	
Earned Income	305.3, p. 15-21
Other Income	305.4, p. 22-24b
Unearned Income	305.4, p. 22-24b
Student Income	305.3, p. 15-16
Diversionsary Assistance	801.1 - 801.8, p. 1-3
Amount	801.6, p. 2
Eligibility	801.5, p. 1
Period	801.4, p. 1
Period of Ineligibility	801.7, p. 3
Purpose	801.1, p. 1
Screening	801.2, p. 1
Vendor	801.8, p. 4
Voluntary	801.3, p. 1
Division of Child Support Enforcement (DCSE)	601.1-602.5
Notification to Local Agencies	602.5, p. 4-6
Support Collected	305.4, p. 24; 305.4, p. 46; 602.5, p. 4-6
Earned Income	305.3, p. 13
Counted in Calculating Payment	305.1, p. 3-6; 701.4, p. 2
Disregarded	305.3, p.18; 305.4, p.22
Disregards	305.3, p. 16
Disregards Not Allowed	305.3, p. 20-21
Exceptions to Allowing Disregards	305.3, p. 20-21
How to Calculate Monthly Amount	305.1, p. 6a-8
Profit	305.3, p. 14
Reporting	305.1, p. 10-11
Verification	305.1, p. 8-9
Educational Loans	305.4, p. 22, p. 24b; Procedures VII, p. 4-5
Eligibility - Initial	401.2, p. 1-2a
Eligibility - Ongoing	401.2. p. 2a-2d
Eligibility - Beyond the Sixty Month Limit	201.1, p. 3c
Emergency Assistance	203.1-203.4; 302.7 - 302.8, p. 4b; 502.1, p. 2
Emergency Payee	502.4, p. 4a

SUBJECT	SECTION/PAGE(S)
Emancipated	
By Courts	302.7; 601.2, p. 3
By Marriage	302.7; 601.2, p. 3
Exceptions to Countable Income	305.2, p 12-13
Exchange of Information	103.2
Excluded Children	302.7
Excluded Parent(s)	302.7
Excluded Caretaker/Relative Other than Parent	302.7
Face-to-Face Interview	401.2, p. 2e ; 401.3, p. 4
Failure to Report Timely	
AU Changes	401.2, p. 2b-2c
Income	305.3, p. 21
Related to Overpayments	503.7, p. 2-2c
Fair Hearings	105.2
Family Cap	201.12, p. 7-8; 302.7 , p. 3;
	401.2, p. 2d
DCSE Referrals	601.2, p. 2-3
Information Given Applicant/Recipient	401.5 - 401.9, p. 14
One Hundred (\$100) Support Disregard	305.4, p. 24 & 36; 602.1, p. 1
	602.5, p. 6
Federal Poverty Level	Appendix 3, Chapter 900
Fluctuating Income	305.4, p. 22

SUBJECT	SECTION/PAGE(S)
Fraud	See Intentional Program Violation 102.1, p. 1
Fugitive Felons	103.2, p. 1
Full-Time Employment	305.3, p. 18-19
Funding	100.3
Good Cause/Non-Cooperation	201.5, p. 2; 201.8, p. 1a; 201.10, p. 1-6
Grant Calculations	Appendix 3 to 305; 901.7, p. 7a-8
Grants and Loans to Students	305.4, p. 22 & 24a
Guardian	502.7, p. 9
Hearings	104.1-106.6; 401.5, p. 9a-11
Home Defined	201.5, p. 2
Home Visits	401.2, p. 3, 401.3, p. 4
Immunizations	201.1, p. 2-3
Improper Payments	503.1
Incapacitated Adult/Child Care Disregard	See Earned Income - Disregards 305.3, p. 19
IEVS - Income Eligibility Verification System	402.1
Income	
Anticipating	305.1, p. 4-6
Benefits and Services in Lieu of Income	305.4, p. 45
Calculating Monthly Income	305.1, p. 6a-8
Child Care Income	305.2, p. 12
Counted in Calculating Payment	305.2, p. 12
Of Excluded Children	305.4, p. 34; 401.2, p. 2
Other Cash Income	305.4, p. 43
Prospective Determinations/Screening	305.1, p. 1
Self-Employment	305.3, p. 14
Verification	305.1, p. 8-9
Income - Excluded Children	305.5

SUBJECT	SECTION/PAGE(S)
Income Tax Refunds	305.4, p. 23
Income vs. Expenses	401.2, p. 2d-e
Information to be Given Client	401.6, p. 11-13; Appendix I to 600
Inheritances See Lump Sum Payments	
Inquiry for Information	401.1, p. 1
Intentional Program Violation (IPV)	102.1, p. 1-3; 102.5, p. 3a
IPV Disqualification Penalties	102.3, p. 2
IPV VIEW Improper Payments	503.1, p. 1; 503.7, p. 2c
IPV Forms	102.2, p. 2
Interest Income	305.4, p. 24a;
Interim Reporting	401.3 H - J
Interviews	
Face-to-Face (Redetermination)	401.3, p. 4
Intake	401.2, p. 2e
Job Corps	305.4, p. 23
Job - Secured Employment	See Changes - Income; 305.1, p. 9-10
Joint Processing Temporary Assistance and Food Stamps (TANF & FS)	See Single Interview; 401.3, p. 5
Legal Base	100.1, p. 1
Legal Presence	201.7D
Legally Responsible Persons	302.8; 601.3, p. 4-5

SUBJECT	SECTION/PAGE(S)
Living Arrangements	201.5, p. 1-5
Minor Parent	201.5, p. 3-5; 302.8, p. 4b-5a
Living in a Home	201.1, p. 1; 201.5, p. 2-3; 701.1, p. 1
Loans	305.4, p. 24b
Localities - Grouping	Appendix I to 304
Lottery Winnings	305.4, p. 25
Lump Sums	305.4, p. 25-27
Match Payments	304.4, p. 2-3; 502.1, p.1; 601.2, p. 2; 602.2, p. 1; 602.5, p. 4, 6, 6a and 6b
Maximum Income Chart	Appendix I to 305
Medicaid	401.6
Medical Exams	201.1, p. 3d; 304.3, p. 2; 901.2, p. 2; 901.11, p. 10
Migrant and Seasonal Farm Workers	305.1, p. 5
Minimum Payment (Non-money payment)	502.1, p. 1
Minor Parent	
Assistance Unit	302.8
Deemed Income	305.4, p. 37-43
Family Cap	201.12, p. 7-9
Living Arrangements/Residency Requirements	201.5, p. 3-5; 302.8, p. 4b-5a
Protective Payments	201.5, p. 5; 502.7, p. 7c-10
Multiple Groups of Children	See Assistance Units 302.1; 302.7; 401.1, p. 1
Need and Payment Standards	Appendix 2 to 304
New Application Requirements	401.3, p. 5
New Earnings	305.1, p. 8-10
New Hires	402.2

SUBJECT	SECTION/PAGE(S)
Newborn Children	
Adding to AU	401.1, p. 1; 401.2, p. 2c-2d
SS# Requirement	201.8, p. 1
Non-Discrimination	101.1, p. 1
Non-Cooperation with DCSE	201.10, p. 3-6; 601.2, p.3
Nonimmigrant Admission Codes	Appendix 1 to 201
Notices and Notification	
Adequate	401.4, p. 7-8
Timely	401.4, p. 7; 401.4, p. 8-10
Notification Report	
(from DCSE of Current Support)	602.5, p. 4-6 b
Overdue Renewal	401.3, p. 5
Overpayments	503.1, p. 1 - 503.10, p. 5
Paternity - Establishing	201.10, p. 1-7a; 601.1, p. 1
Payee	302.4, p.1; 302.7, p. 2a; 302.8, p. 5a; 502.4, p. 4-4a
Payment	
Amount	502.1, p. 1
Issuance Date	502.5, p. 4a-5
Method	502.3, p. 4
Period Covered by Payment	502.2, p. 3-3a
Proration	502.2, p. 3-3a
Protective and Vendor Payments	502.4, p. 4; 502.7, p. 7c-10
Period of Ineligibility	302.7, p. 2a, p. 4, and p. 4a
Lump Sums	305.4, p. 25-27
Virginia Initiative for Employment	
Not Welfare (VIEW)	901.11, p. 9b - 10a
Persons Essential To Well Being (EWB)	302.2, p. 1; 302.6, p. 1a; 302.7, p. 3a and 4
Prohibited Practices	401.2, p. 3

SUBJECT	SECTION/PAGE(S)
Prospective Budgeting	305.1, p. 3-10
Protective Payments	502.3-502.4, p. 4; 502.7, p. 7c-10
Protective Services	401.9, p. 14-14a
Putative Father	302.3, p.1; 302.7, p. 3a; 305.4, p. 36a; 601.1, p. 1a; 601.2, p. 2-2a; 602.3, p. 1-2
Qualified Alien	201.7, p. 1; Procedures I, p. 7-7d
Exception to the Requirement	201.7, p. 1a-1b; Procedures I, p. 7d-7f
Questionable Information	401.2, p. 2d; 402.1, p. 1
Recoupment/Recovery	503.8, p. 3-3a
Redirection of Support	602.1, p. 1
Reflecting Income	See Changes - Income; and Prospective Budgeting 305.2, p. 12-13
Reimbursements	305.2, p. 12; 305.4, p. 33
Relationship	201.4 - 201.5, p. 1; Procedures I, p. 3-4
Release of Information to U.S. Citizenship and Immigration Services (USCIS)	103.4, p. 2
Release of Information - Benefits - Aliens	103.3, p. 1
Renewals	401.3, p. 4-6
Rent/Utilities Paid by Spouse Paid by Someone Other than Spouse	305.4, p. 36a; 305.4, p. 45 See Shelter Contributed
Rental Property	305.2, p. 13; 305.3, p. 14
Request for Address of a TANF recipient	103.2, p. 1; 100, Appendix I
Residence	201.6, p. 5; 203.1, p.1

SUBJECT	SECTION/PAGE(S)
Responsible Relatives	See Support
Sanctions	
DCSE	201.10, p. 3b-4a
Virginia Initiative for Employment	
Not Welfare (VIEW)	901.6, p. 6-7; 1000.20, p. 71-78
Compliance	1000.21, p. 79-80
School	
Attendance	201.3, p. 4-4d
Enrollment	201.1, p. 1; 201.2, p. 3e; 201.3, p. 4
Section 8 and Section 23 Housing and Urban Development (HUD) Payments	305.4, p. 23
Self-Employment	305.3, p. 14-15
Shelter Contributed	305.4, p. 36a & 45
Siblings Defined	302.5, p. 1a

SUBJECT	SECTION/PAGE(S)
Single Interview (TANF & FS)	401.1, p. 1a
Sixty (60) Month Limit on Receipt of TANF	201.1 G
Social Security Benefits	305.4, p. 24b
Social Security Number (SSN) Letter on SSN Update Requirement	Appendix IV to 201 201.8, p. 1
Special Occasion Income	305.2, p. 12
Specified Relatives	201.5, p. 1-2
Standard Deduction/ Standard Work Deduction (\$90)	305.1, p. 2; 305.3 p. 16, 20-21 Appendix 3, pg. 1-2; 901.7, p.8; Appendix 1, pg. 1-2
Standard Filing Unit	302.2
Standards of Assistance By Groups	304.1, p. 1 Appendix 2 to 304
State Board of Social Services	100.2, p. 1; 102.1, p. 1; 104.2, p. 1
Stepparent Deeming	305.4, p. 37-43
Student Income Status Related to Income Also see Compulsory School Attendance; VIEW; Grants & Loans, Scholarships; Truancy	305.3, p. 15-16 Procedures VII, p. 5
Supplemental Security Income Recipients (SSI)	201.1, p. 1a; 302.7
Support for Child Subject to Family Cap	201.12, p. 7-8
Support from Absent Non-Custodial Parent Other Non-Responsible Persons Putative Fathers Outside the Home Spouse Outside the Home Relatives Also see Deeming - Stepparent	602.3, p. 2 305.4, p. 37 305.4, p. 36a-37 305.4, p. 36-36a 305.4, p. 33a-37

SUBJECT	SECTION/PAGE(S)
Support Redirected to DCSE	305.4, p. 36-36a, 37; 602.1, p. 1
Handling of Support on Suspended cases	602.5, p. 6-6b
Suspension	401.3, p. 6; 901.6, p. 6-7
Summer Youth Program (WIA)	305.3, p. 15; 305.4, p. 23
Systematic Alien Verification for Entitlements (SAVE)	201.7, E
Temporary Absence from Home	201.5, B
Temporary Assistance for Needy Families - Unemployed Parent (TANF-UP)	201.5, B; 701.1; 701.2; 701.3; Chapter 700; app. 3 to Ch. 900; 1000, p. 55
Termination of Assistance	
Continuing Medicaid	401.7
When Income Change is Reported	305.1, p. 9a
Refusal/Failure to Sign Agreement Of Personal Responsibility (APR)	901.5, C
Third Party Payments	305.4, p. 36a
\$30 (Thirty Dollar Disregard)	305.3, p.16-17 & 20-21
\$30 1/3 (Thirty and One Third Disregard)	305.3, p.16-17 & 20-21
Time Standards for Processing	
Application	401.1, p. 2-3
Changes to AU	401.1, p. 1; 401.2, p. 2b-2d
Income Changes	305.1, p. 9-9a
Timely Notice	401.4, p. 7 & 8-9a
Transfer of Cases	502.6, p. 5-7b; 901.12, p. 10a; 1000.25, p. 92
Medicaid coverage	502.6, p. 7b
Transitional Benefits	
Child Care	401.7, p. 14; 901.13, p. 11-11a
Transportation	1000.22, p.81-85

10/08

Page 15

SUBJECT	SECTION/PAGE(S)
Treatment of Support	602.2
Truancy	201.3, p. 4-4d
Unearned Income	305.1, p. 8-8d
Unemployed Parent	Chapter 700
Assistance Unit	701.3, p. 2
Categorical Requirements	701.2, p. 1
Financial	701.4
Purpose of the TANF-UP Program	701.1
Vendor Payments	201.10, p. 3c; 203.2, p. 3; 502.5, p. 4a; 502.7, p. 7c-9
Verification	
Of Categorical Requirements	201.7, p. 1-1q
Of Income	305.1, p. 8-9
Veterans Benefits	305.4, p. 23-24b
Virginia Initiative for Employment not Welfare (VIEW)	Chapter 900; Chapter 900, Appendix I-III; Chapter 1000;
Agreement of Personal Responsibility	901.2, p. 3; 901.3, p. 4 , 901.5, p. 5-6; 901.7, p. 7a; 901.9, p. 9; 1000.9, p. 26-26a
Appeals	901.6, p. 7a; 901.13, p. 11a; 1000.26, p. 93; 1000.27, p. 94
Cooperation and Participation	901.5, p. 5-6
Exemption	901.2, p. 1-3; 1000, VIEW Definitions, p. 2
Full Employment Program	901.14
Intentional Program Violation	102.1, p. 1-1a 102.3, p. 2 102.4, p. 3-3a 102.11, p. 4 102.14, p. 7 503.1-503.7, p. 2 901.4, p. 5 1000.8, p. 25, 1000.12, p. 30; 1000, Appendix A, p. 40
Notice (Time Limit)	901.10, p. 9a
Payment Calculation	901.7, p. 7a-8; Appendix 1 and 2
Period of In-eligibility	901.11, p. 9b - 10a

Responsibilities - Eligibility Worker	901.3, p. 3-5
Responsibilities - VIEW Worker	901.4, p. 5
Sanctions	901.6, p. 6-7; 1000, p. 58-65
Time Limits	901.9, p. 8a-9a
Transfers	901.12, p. 10-10a; 1000, p. 66
Transitional Benefits	901.13, p. 11; 1000, p. 66-67
Vehicle Value Limit	901.8, p. 8-8a
Volunteers	901.2, p. 3
 Virginia Legal Aid Projects	 Appendix I to 400, p. 1
 Volunteers in Service to America (VISTA)	 305.4, p. 23
 Vocational Rehabilitation Referrals	 901.2, p. 2
 Voter Registration	 Appendix II to 400, p. 1-3
 Wage Assignments	 305.4, p. 38
 Withdrawal of Application	 401.1, p. 5
 Workforce Investment Act (WIA)	 305.1, p. 2-3; 305.3, p. 15; 305.4, p. 23; 305.4, p. 24b; 1000.1, p. 8; 1000.13, p. 56; 1000.28, p. 95
 Work Study	 305.4, p. 22